

104

# SOVEREIGNTY OVER PUBLIC LANDS

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Y 4. R 31/3: 104-98

Sovereignty Over Public Lands, Series...

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BEFORE THE

## COMMITTEE ON RESOURCES HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

ON

**H.R. 3752**

**A BILL TO PRESERVE THE SOVEREIGNTY OF THE  
UNITED STATES OVER PUBLIC LANDS AND AC-  
QUIRED LANDS OWNED BY THE UNITED STATES,  
AND TO PRESERVE STATE SOVEREIGNTY AND PRI-  
VATE PROPERTY RIGHTS IN NON-FEDERAL LANDS  
SURROUNDING THOSE PUBLIC LANDS AND AC-  
QUIRED LANDS**

SEPTEMBER 12, 1996—WASHINGTON, DC

**Serial No. 104-98**

Printed for the use of the Committee on Resources



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# SOVEREIGNTY OVER PUBLIC LANDS BY THE U.S. AND STATES

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THURSDAY, SEPTEMBER 12, 1996

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON RESOURCES,  
*Washington, DC.*

The Committee met at 10:35 a.m. in room 1324 of the Longworth House Office Building, the Honorable Don Young, Chairman of the Committee, presiding.

The CHAIRMAN. The Committee will come to order.

## STATEMENT OF THE HONORABLE DON YOUNG, A U.S. REPRESENTATIVE FROM ALASKA; AND CHAIRMAN, COMMITTEE ON RESOURCES

The CHAIRMAN. Today we will hear testimony on H.R. 3752, my bill that gives the Congress a role in approving international land designations. Within the last 25 years, more and more of our nation's land has become subject to international land use restrictions.

A total of 67 sites in the United States have been designated as UN Biosphere reserves or World Heritage sites. These programs are run by UNESCO, an arm of the UN. UNESCO is represented today by Ms. Nina Sibal. I appreciate Ms. Sibal visiting me yesterday, and I appreciate UNESCO sending her to discuss how the organization implements the program.

I want to be right up front about his whole hearing. The lack of a meaningful Congressional role in both programs on the domestic front, it bothers me. Very frankly, I think it goes against the Constitution and the role of this Committee.

That's what I try to address in my bill by giving a more meaningful role for those in Congress who represent the American people. Ultimately, we have the responsibility for Biosphere and World Heritage Sites, not the Administration. I want to stress that. This is the role of this Committee.

The Biosphere Reserve Program is not even authorized by a single U.S. law, or even an international treaty, and I believe that is incorrect. Executive Branch appointees, whatever their political party—and I want to stress this—in the last 25 years, and it does not mean this Administration or the past Administration, but what has occurred in the past and is occurring today, it has been occurring without law.

The World Heritage Site Program is based on a treaty. My bill does not suggest that the U.S. shrug off the World Heritage Site Program. We have a domestic law implementing the program, and

I propose to change that domestic law so that the Congress must approve the site, with consultation with the Administration and those other interested parties.

So that everyone understands, the concern is that the United States Congress, and therefore the people of the United States—they have been left out of the domestic process to designate Biosphere and World Heritage sites. My bill makes the Congress, this Committee, and the people of this country, relevant to that process.

As I read the Constitution, referring to Article IV, Section 3, the power to make all rules and regulations governing land belonging to the United States is vested into the Congress, not to any Administration. That includes domestic and international land designations.

Yet the international land designations under these programs have been created by virtually no Congressional oversight, no Congressional hearings, and no authority in the case of Biosphere Reserve Sites. The public and local governments were rarely consulted.

In the case of Alaska, we have three of the major ones. No one was consulted, including this Congressman. No one was identified, including this Congressman.

When the day is done, these land designations are being used by the Executive Branch to steer U.S. domestic land use policies, and to leverage what can and cannot happen on public and private lands in the United States—again, against the Constitution.

That is not the role of the Executive Branch. Until now, no one has lifted an eyebrow to examine how U.S. domestic implementation of these programs has eaten away at the power and sovereignty of the U.S. Congress to exercise its constitutional power to make the laws that govern anything related to U.S. public land.

Today we will begin to look at these issues. We have an excellent slate of witnesses, beginning with our colleague, the Honorable Tim Hutchinson. After Tim, we will turn to elected local officials from New York and New Mexico; officials with the Interior Department and UNESCO; private property rights activists from Missouri and Wyoming; and trade association representatives from Colorado.

Just so everyone knows, none of the half a dozen or so major environmental groups that we asked to testify today, accepted our invitation. I regret that fact because I will be evaluating with the cosponsors and the Committee members, whether to move this legislation to Committee before this Congress adjourns.

I can assure you that this legislation will move in this Congress or the next Congress. It is the right thing to do for this Committee. It belongs in this Committee, it belongs with the people of the United States, and we wish to move this legislation forward.

The CHAIRMAN. It's my understanding that we'll have a vote at approximately 12:00, so we will start right away with our first panel. The first up is Tim Hutchinson.

You're right there, Tim. I do appreciate your being here today. After that, we'll have the Panel I, Panel II, and Panel III.

And, Tim, welcome to the Committee. Although there's not too many Members here today, we've got a great interest in this. There's a lot of understanding now that's being brought forth to the

public that this is not a good thing that's happened in the past 25 years. Welcome to the Committee, Tim.

**STATEMENT OF THE HONORABLE TIM HUTCHINSON, A U.S. REPRESENTATIVE FROM ARKANSAS.**

Mr. HUTCHINSON. Thank you, Chairman, Young.

I appreciate the opportunity to appear before the Committee today, and commend you on your leadership on this, I think, very important issue. Mr. Chairman, it was just a few weeks ago that your legislation was brought to my attention. I was appalled at what was happening, and was pleased to sign on as a co-sponsor to the bill.

To me, it's incredible that we would even need legislation to prohibit American land, both public and private, from being subjected to special international restrictions. These restrictions are imposed by international agreements that are seldom, if ever, subjected to Congressional review or approval.

Mr. Chairman, the people of Arkansas feel very strongly about personal property rights. They work long and they work hard to afford the privilege of home ownership.

But for Arkansans, owning a home or a piece of land represents more than just a sound financial investment. It establishes their ties to the community, relates them to their neighbors, and connects them to the very land on which they live. In my home State, the family farm is often passed down from generation to generation. The land becomes as much a part of the family as the individual family members themselves.

Arkansans feel just as strongly about the issue of American sovereignty. They're offended when American troops are placed under foreign command. They're outraged when American soldiers are forced to wear United Nations uniforms or face a dishonorable discharge. And they're incensed when American land is designated an international reserve and subjected to international restrictions.

So you can imagine the passionate feelings generated in Arkansas when citizens learned of the proposed Ozark Highlands Man and Biosphere Plan. The Ozark National Forest is one of the prize natural treasures of my home State. It is visited and enjoyed by thousands each year for a variety of reasons, from recreation to education, to economic development. The Ozark Forest is a resource that is truly American and truly Arkansan.

The Ozark Highlands Man and Biosphere Plan would take thousands of acres in Arkansas and surrounding States, and classify them as a United Nations Biosphere Reserve. Mr. Chairman, by becoming a party to this international accord, the host government explicitly agrees to take certain actions to protect these areas and limit or prohibit land uses.

What happens, Mr. Chairman, when those international agreements conflict with American law? United Nations Biosphere Reserves and World Heritage Sites are usually promoted as a type of honorary title which will provide additional publicity, resulting in increased tourist visits and a corresponding increase in economic benefits.

Promoters of these programs say they are voluntary and non-binding, but, again, I ask, what is the point of an international

agreement if no one's going to abide by it? If we're going to abide by it, what happens to the Fifth Amendment to the Constitution which protects private property owners?

Do we let an international organization dictate to American citizens, how they can use their land? Fortunately, thanks to public pressure from my constituents and Arkansas civic groups such as Take Back Arkansas, Incorporated, the plan to implement a Biosphere Reserve in the Ozarks has been dropped.

Once people become aware that there is a plan afoot to implement a Biosphere Reserve in the community, strong public opposition almost always arises. Proposed Biosphere reserves were thwarted in Minnesota and New York State. However, I remain concerned over possible future Biosphere Reserves, as well as those already designated.

The United States already has 20 World Heritage sites, 18 of which are national parks, including the Statue of Liberty and Independence Hall. There are also 47 Biosphere Reserves covering a total area larger than the State of Colorado.

Your bill, Mr. Chairman, is necessary to protect American property owners, as well as American sovereignty, and I would urge your Committee to approve the measure and bring it before the full House of Representatives.

Finally, Mr. Chairman, I wanted you to hear directly from my constituents, many of whom wanted to be here to testify themselves. I heard from State leaders, as well as local citizens, and I assured them that I would bring their concerns directly to you. And I would ask that their letters and statements be inserted in the record at this time.

The CHAIRMAN. Without objection, so ordered.

Mr. HUTCHINSON. And I thank you, Mr. Chairman, for the opportunity to testify before the Committee today.

[The letter submitted by Hon. Tim Hutchinson follows.]

LETTER SUBMITTED BY HON. TIM HUTCHINSON

FAY W. BOOZMAN, III  
SENATOR 33RD DISTRICT  
Rogers, AK, September 11, 1996.

*Congressman Tim Hutchinson*  
1005 Longworth HOB  
Washington, DC 20515

DEAR CONGRESSMAN HUTCHINSON:

I would like for this letter to be offered with other exhibits which you present to the House Resources Committee when you testify on HB 3752.

As a State Senator representing Arkansas State Senatorial District 33 (parts of Benton and Washington counties), I had no knowledge of the Ozark Man Biosphere Project. No officials of the project ever contacted me. I first heard about Ozark Man Biosphere through a local organization concerned about maintaining property rights. There is certainly a concern that there has been an attempt to slip this project by the citizens of Northwest Arkansas without proper public input.

Sincerely,

FAY W. BOOZMAN, III  
Senator 33rd District

The CHAIRMAN. Tim, thank you. I see Helen Chenoweth is gone. She had an opening statement, and I'll have to ask her to make it a little later on.

Mr. Allard, do you have an opening statement?

Mr. ALLARD. Mr. Chairman, I don't.

The CHAIRMAN. Do you have any questions of the witness?

Mr. ALLARD. I don't, Mr. Chairman.

The CHAIRMAN. Mr. Cooley, do you have any questions of the witness?

Mr. COOLEY. Not at this time.

The CHAIRMAN. Tim, I want to assure you—and I'm a little concerned because I've been reading Mr. Frampton's testimony. We rode up on the elevator together.

The Administration adamantly opposes this. I cannot understand that, because all I'm asking in my legislation—and I hope you read it the same way—is that Congress plays a role also, or at least be consulted with. I cannot remember in my 22 years with this Committee, that this Committee was ever consulted in any Biosphere sites or any Heritage sites. In fact, I don't believe we were notified. Now, that's the way I interpret it.

In your area, have your people ever been consulted at all or talked to at all in this action?

Mr. HUTCHINSON. No. I concur exactly with what you've just said. My constituents have contacted us by the hundreds, and perhaps thousands, in North Arkansas, and have basically said the same thing. How can this happen if you all don't know about it? How could this happen without Congress having been involved in it?

And so I think there is great concern that the Executive Branch has usurped too much authority in this area; that too much is being done by Executive action without the involvement of Congress. Therefore, I think your legislation should be welcomed by the Administration.

The CHAIRMAN. That's the thing that concerns me, because, as you referred to the Constitution, it's my interpretation—I guess you, in your testimony, said the same thing—that it is only the Congress that has the role to designate any of the so-called public lands and the use of those public lands, not in the Executive Branch; only in the Antiquities Act they can do so. And that eventually has to be approved or disapproved by the Congress.

That's the only law that I know of that applies to this. There is no law concerning the Heritage or Biosphere. There's a so-called treaty which this Congress—this Congress, this Committee had nothing to do with.

I just appreciate it, and you can assure your constituents that following the hearings on this, this bill will move. Although it will probably be recommended to be vetoed, that's one reason why we shouldn't have the same President down in the White House.

This President believes that the UN has more value than the Congress. The Congress is the one, in fact, that is designated through the Constitution. If he swears to uphold the Constitution, then he must uphold the Constitution.

I do thank you for your testimony.

Mr. ALLARD. Would the gentleman yield?

The CHAIRMAN. Yes.

Mr. ALLARD. This is an area that I think we need to watch closely. The fact that we have the Executive Branch assuming power

and I think the Tenth Amendment to the Constitution is very clear on that; that those powers were reserved.

Specific things are designated for the Federal Government and Congress, and certain things may be specifically prohibited to the States. Everything else automatically goes to the States and to the local governments, not to the United Nations or any other group.

I support your legislation and what you're trying to do, but we really shouldn't have to have it if we'd just apply what is stated in the Tenth Amendment.

I think a lot of this has to come from the States. They need to reassert their charge over something like this. I can't imagine any court case overturning that basic problem.

The CHAIRMAN. The problem we have—and, Tim, I'll let you go in a minute.

The problem we have is that in the case of Alaska, most of the land surrounding the parks were so-called Federal lands; they were not State lands. But to my knowledge, the State was not notified, and I know this Congressman was not notified about designating these as Biosphere and Heritage sites.

Around three of the largest parks—and I don't know why they've designated these parks—we made them huge to begin with. I mean, you're talking about eight and nine million acres of land, millions of acres, bigger than most States. And they were set aside in parks, and now they've added to that, a UN and UNESCO recognition.

By the way, I'm not picking on the UN on this one. I'm picking on the Administration and their implication in saying that this is now designated as an international Heritage area or Biosphere area, and we think that this should happen, in fact, circumventing the EIS process and the whole process. There's actually no input from this Congress.

Now, States that are privately owned States, you're absolutely right, I think they ought to be more aware, and they ought to be more up to speed and protesting. But the gentlelady and myself, and even the gentleman from Oregon have this problem of federally owned State, and yourself in Colorado, where, frankly, they don't have to notify the States.

The gentlelady, you had an opening statement, and if you had a question for the witness, I'd gladly recognize you at this time.

Mrs. CHENOWETH. Mr. Chairman, I know that the witness probably has other obligations, and so I would be happy to give my opening statement at your pleasure, as well as the witness's.

The CHAIRMAN. You're recognized right now for your opening statement, and if you want to ask him a question, fine.

#### **STATEMENT OF THE HONORABLE HELEN CHENOWETH, A U.S. REPRESENTATIVE FROM IDAHO**

Mrs. CHENOWETH. Thank you, Mr. Chairman. I want to thank you very much for holding this hearing on this very important piece of legislation that you have introduced.

Even though we are nearing the end of the 104th Congress, I do not believe that we can wait any longer to address the UN's insatiable appetite to interfere with U.S. land management policy. Mr. Chairman, I agree with you, too, that the Administration has cer-



tainly overstepped its bounds in putting forth these proposals and acting on them.

I understand that we are no longer involved with UNESCO, as of ten years ago. That was what I was briefed on. And so I would like for us to find out what the legal tie is here, anyway.

Over 51 million acres in this country has already been designated by the UN as either the World Heritage sites or Biosphere Reserves, without Congressional approval or involvement—51 million acres. As we have seen with the impact of the World Heritage sites, that includes a large buffer zone surrounding Yellowstone Park. These designations have the potential of creating unconstitutional restrictions on private property, and interfering with the Congressionally established processes for managing Federal lands. Mr. Chairman, even though the proponents of this whole program will probably testify that no buffer zone has been established around Yellowstone Park, the rules and regulations surrounding the Biosphere Reserves demand that a buffer zone be set aside. The UN has designated these areas and will continue to do so, while completely circumventing the Congress.

This must be changed. H.R. 3752 would make that change by requiring that any World Heritage site designation first be approved by the Congress. It would also do away with the allowance of the UN of our arbitrarily determining Biosphere Reserves in the U.S., which has no basis in the U.S. law.

Mr. Chairman, if the current process of establishing World Heritage sites and Biosphere Reserves, and the involvement with UNESCO remains unchecked, it could have tremendous implications for my District. There are a number of sites that are being considered in the northern part of my District for these types of designations that could have a major impact on the economic activities of that area.

In fact, I would like to include in the record a front page article that appeared in the Coeur d'Alene Press that delineates some of the concerns in northern Idaho. I want to thank the Coeur d'Alene Press and the writers, Charles Fernandes and Jeff Selle, for their very good work on this subject.

This is why I am very much in support of legislation such as H.R. 3752. Once again, Mr. Chairman, I want to thank you for holding these hearings. I am very interested in what the witnesses who have dealt directly with these designations have to say today. Thank you very much.

[The Coeur d'Alene Press material referred to by Hon. Helen Chenoweth follows.]

MATERIAL SUBMITTED BY HON. HELEN CHENOWETH

COEUR D'ALENE PRESS

August 10, 1996.

*Hands off the land*  
By Charles Fernandes  
and Jeff Selle  
Staff Writers

COEUR d'Alene—A 24-year-old treaty with the United Nations has been dusted off and brought to the forefront of an age-old battle over management of our nations natural resources.

Through the treaty, known as the World Heritage Convention of 1972, environmental groups and the Clinton Administration has brought in an arm of the United Nations to help protect Yellowstone National Park.

The groundwork has been laid to do the same in several other site across the nation, including Glacier National Park near Kalispell, Mont. and could eventually have a direct effect on the Panhandle of North Idaho.

While environmentalists and National Park Service (NPS) officials claim the U.N. involvement is merely advisory, key congressional members and two western state legislatures say its an effort shut down America's natural resources.

"This is part of the plot for centralization, and in fact, world and global type control," said Congressman Don Young, R-Alaska. "There are people who say as pollution increases, the only way to keep anarchy from occurring is through centralized control by the federal government, in this case, world government."

Young said if the U.N. is allowed to gain control of the world's natural resources, it can control the nations economy and therefore its people.

Jim Charleton, NPS international cooperation specialist, said the U.N. is simply advising the U.S. through the treaty.

"There is a great deal of highly inaccurate information circulating that the U.S. has either yielded sovereignty or given up control of its national parks," he said. "That is baseless."

#### YELLOWSTONE IN DANGER

The U.S. State Department signed the World Heritage Convention in 1972, which was subsequently ratified by the Senate. President Gerald Ford proclaimed it law in full force as of Dec. 17, 1975.

The treaty established "an effective system of collective protection" for cultural and natural sites of outstanding universal significance.

So far, 20 World Heritage Sites have been named in the United States, including Yellowstone and Glacier National Park.

While considering sovereignty and property rights, each of the 146 nations that signed the treaty agreed to recognize that protection of a World Heritage Site is the duty of the international community as whole.

Under the direction of the United Nations Environmental, Scientific and Cultural Organization (UNESCO), the World Heritage Committee was created to implement the treaty.

At Yellowstone, designated as the nation's first World Heritage Site in 1978, the U.N. Committee has clearly brought its influence to bear on activities both inside and outside of the park's boundaries.

It stated in 1995, when 14 private conservation groups in the U.S. used the treaty to petition the World Heritage Committee to list Yellowstone as a World Heritage Site "in Danger" because of possible threats to the park's ecology.

The endangered listing allows the World Heritage Committee to work in cooperation with the U.S. to develop corrective measures and take the park out of danger.

The U.N. subsequently contacted the Department of Interior and George Frampton, assistant secretary for Fish and Wildlife and Parks, agreed the park was "in danger" and asked for a U.N. investigation into the problems.

The main treat, according to Yellowstone Park Service personnel, came from the proposed New World Mine project, just three miles north of the park.

A World Heritage delegation subsequently conducted a five-day tour of Yellowstone and proposed a 12-million-acre buffer zone around the 2.3 million acre park in order to protect it.

Amid widespread outcry, the delegation publicly backed away from the buffer zone proposal.

But in December 1995, the U.N. listed Yellowstone as a World Heritage Site in Danger at a meeting in Berlin, Germany.

While the status of a Yellowstone buffer zone is uncertain, according tot he treaty's operational guidelines, natural heritage sites need to include buffer zones.

"I have not heard of any plans for a buffer zone around the park" said Cheryl Matthews, assistant public relations officer for yellowstone.

Meanwhile, the mine outside the park continues to be the focus of attention.

According to newspaper reports, a deal between the administrate on and owner of the New World Mine for a federal land swap or buy out of the mine is expected to be hammered out by next week.

The mining issue was not the only reason for U.N. involvement at the park, said Bob Ekey, spokesman for the Greater Yellowstone Coalition, based in Bozeman, Mont.

Mounting visitor counts, degradation of grizzly bear habitat and protecting the geothermal features of the park were also concerns brought to the attention of the World Heritage Committee, Ekey said.

"We thought it was important to ask this body to come in and use their expertise to do an audit of the park," he explained. Paving the way.

Meanwhile legislation and policy is being crafted the country to lay similar groundwork that will give U.N. committees more involvement in environmental issues in the United States.

Likewise, there is counter legislation being crafted to stop the movement.

"I think the environmental movement needs another avenue to go with the recent change we had in Congress," said Gail Phillips, speaker in Alaska's House of Representatives. "So now they've taken things to a world level and went the U.N. which is taking on a new role as the protector of the world by locking up the land—I firmly believe that."

Over 60 percent of Alaska's land has been designated wilderness land either by National Park designation, or methods such as the World Heritage Sites, the Republican congresswoman said.

Phillips has joined with the speakers in both Utah's and Arizona's state legislatures to form a Western States Coalition to fend off any kind of land withdrawals for their states.

Currently Alaska's Republican lead legislature, and the State of Colorado have passed joint resolutions banning a new phenomenon that is occurring on Capitol Hill.

A National Heritage Corridors bill is set to come out of committee and on to the House floor sometime in September. It is a bi-partisan effort led by Congressman Joe Hefley R-Colo.

No direct links have been found between the national and world heritage sites, but with similar language and the similar leadership under Department of Interior, has some believing its one in the same.

"If you have the same people involved in two radically different programs with same amazing similarities," said Michael Coffman, who holds doctorate in forestry and ecosystem analysis. "It is my opinion that you have the same horse with two names."

Coffman, president of Environmental Perspectives Inc. in Bangor, Maine, has studied the leadership of the environmental policy makers for nearly seven years. He is fully aware of the U.N. involvement in the environmental affairs of the U.S., he said.

In fact, Coffman has testified before the Senate warning them of private property and sovereignty issues that arose from the most recent U.N. convention on the environment.

The United Nations Environmental Programme began a Global Convention on Biological Diversity during the 1980's. The convention turned out a more comprehensive treaty that establishes biosphere reserves interconnected with corridors to protect the biological diversity in key sites around the world.

The U.S. Senate refused to ratify that treaty when it came to floors of Congress on Sept. 30, 1994, citing private property rights issues.

"I was one of two people that convinced the Senate not to ratify that convention," Coffman said. "I believe the Convention on Biological Diversity was created to give some teeth to the World Heritage Treaty."

According to Coffman, when the World Heritage Treaty was implemented, it was done with good intentions and the U.N. had very little authority. Now he believes it's being used as tool with new implementation strategies to establish biological corridors.

Despite the Senate's refusal of the biological Diversity Treaty, another similar program is being implemented in its place, and in conjunction with an international program called the Man And the Biosphere.

The U.S. State Department adopted a "Strategic Plan For the U.S. Biosphere Reserve Program" in 1994, based on the same concepts of the Biological Diversity Treaty.

As of November of 1994, 47 biosphere reserves were listed in the United States, and the—

Why did U.S. park officials so doggedly pursue the listing?

"They saw it as a distinction that very few parks in the world have," Charleton explained. "It will clearly play a role in attracting visitors who may not have visited otherwise. In Terms of what it might mean when Congress sits down to hand out money, these are areas of international distinction."

The promise of federal monies is precisely why states have previously voiced little opposition to World heritage Site designations within their borders, said Leigh LaMora, press secretary for Congressman Joel Hefley, R-Colo.

"In a perfect world, we wouldn't have World Heritage areas at all," LaMora said. "But as part of the National Park Service, they are here to stay. It is good to have a World Heritage area in your district, just like it is good to have a National park or military base in your district. It brings people into the district to spend money."

Hefley this year introduced a bill into the House Committee on Resources that designates eight areas in eight states, including Colorado, as National Heritage Areas.

The bill calls for the creation of Vancouver National historic Reserve in Vancouver, Washington, which includes Fort Vancouver, Pearson Airpark, Marine Park and the Columbia River waterfront.

While it remains uncertain whether there is any link between the proposed National Heritage Areas and World Heritage Areas, bill's language is remarkably similar to that contained in the World Heritage Implementation strategy document and the World Heritage Convention.

Hefley's proposed legislation will floor vote in September.

Meanwhile, there are at least nine other bills in the resource committees of both the House and the Senate dealing with National Heritage Area designation or expanded ecosystem protection.

Three Senate bills are presently reported out of committee, one of which, the Oregon Resource Conservation Act, was ordered to be printed last month.

The CHAIRMAN. I thank the gentlelady.

The first panel up, Fred Alvarez—

Mr. COOLEY. Mr. Chairman?

The CHAIRMAN. Yes, Mr. Cooley. But in the meantime, Panel I, Fred Alvarez, Ray Cunio, Kathleen Jachowski, and Paul Jones, take the witness stand.

Mr. Cooley?

Mr. COOLEY. Mr. Chairman, I'm in support, of course, of H.R. 3752, but I'd like to have the Chair—I don't understand how, under the Constitution, a foreign entity such as, quote/unquote, "the United Nations"—I don't have merely the same respect for the United Nations as you do—but how a foreign entity such as the United Nations can designate anything within the continental United States or our States outside the continent, as Heritage Sites, Biosphere Reserves, or anything. I don't understand how this can occur.

Is there something I'm missing here? Has something bypassed the Constitution? Are we allowing a one-world type of order, or world body to all of a sudden start to govern how we address our lands? I mean, I don't understand—help me here. I don't understand the need for this bill. Why should we even address such a thing?

The CHAIRMAN. The necessity is because this Congress has been neglectful in their role and to the people. And I will say this because the previous Chairmen of this Committee believed in what was occurring.

Now, I will say that this whole atmosphere or the whole thing was created by President Nixon. Actually, Manny Lujan had a hearing, or, I think, one of the few meetings of this so-called group. But this Congress was neglectful to the people of the United States.

Legally, they have nothing to say about it. By the way, the fight is not with UNESCO. The fight is with the Administrations that agreed to this, and have used this Act to, I think, circumvent the role of the Congress. Under the so-called treaty that was not signed by this Committee—under the so-called treaty, there has to be, if it's recognized, like the Yellowstone, there has to be an international buffer zone, and they set it forth.

Now, I will say there are other areas around the world. That's their prerogative. I have no argument with that. But other countries do not have the Constitution of the United States, Mr. Administration; that's the difference.

I get very frustrated, and, Mr. Cooley, where my frustration comes from is that other countries use this tactic, and we have members of Administrations saying, well, Japan does it. They come to the United States and use this. Or France does it, or Uganda does it.

Mr. COOLEY. Will the gentleman yield?

The CHAIRMAN. I'll gladly yield. It's your time, but let me finish.

What I'm saying is, under the Constitution, this Administration or the George Bush Administration, or the Reagan Administration, the Nixon Administration, the Carter Administration, all the six Presidents I served under, never had the authority nor the right to do as they have done in recognizing these Heritage areas and the Biosphere areas. They had no right to do that.

But this Congress sat here with five different Chairmen that I've served under, that never had the—I won't say that because the press is in the room—to bring this to the attention of the American people. That is our role.

Now, if they don't believe in the Constitution, if Mr. Frampton doesn't believe in the Constitution, and Mr. Babbitt doesn't believe in the Constitution, and Mr. Clinton doesn't believe in the Constitution, it's time for the American people to know it.

Now, your time.

Mr. COOLEY. I don't have the same restrictions on the press as you have, as you know. They're a bad lot anyway.

But let's get back to what the subject is here. I don't really understand—and I'm not talking about any particular individual. But as far as I can tell—and I'm not a constitutional attorney—this is a violation of the American Constitution. Anybody who deliberately violates the Constitution should probably be impeached.

I just don't understand the reason for the legislation. I think that the American public needs to know about it. I don't know if this legislation will ever go anywhere. I think you can work on it, but you're not going to get anybody to sign it into law. Maybe we can make some public opinion out of it.

But I find it almost unconscionable to believe that members of the Administration, of Congress, or anybody else would agree to allow a foreign power to regulate the lands within this country without the process of the people and Congress. Something's going astray here, really off the spectrum.

The CHAIRMAN. That's why we're having these hearings, and we'll have testimony from the different parties involved. I can suggest one thing.

What happens here is, it's my understanding that the United States, via the State Department, sends recommendations to UNESCO. It doesn't even come through this Committee. It doesn't even come before this Committee.

And that's how this thing generates. Again, I'm not defending UNESCO. They really don't make the projection. It comes from the Administration and through the State Department, and that, again, is against the Constitution, but nobody cares.

All right, time is up. I'll recognize, I believe, the first witness we have up today, Fred Alvarez, Commissioner of Eddy County Commissioners Court, Carlsbad, New Mexico.

**STATEMENT OF FRED T. ALVAREZ, COMMISSIONER, EDDY COUNTY COMMISSIONERS COURT, CARLSBAD, NEW MEXICO**

Mr. ALVAREZ. Good morning, Mr. Chairman and Honorable Committee Members.

The CHAIRMAN. Good morning.

Mr. ALVAREZ. Thank you for this time to let us come in and talk to you about the concerns that we have in Eddy County. I am here representing the County Commission and our constituents.

Eddy County is the home of the famous Carlsbad Caverns National Park. Eddy County is 4,200 square miles. We have 2,677,760 acres; 60.5 of this is Federal lands, and 21.5 is State. That leaves us only 18 percent of the land in private ownership.

Eddy County depends a lot on its oil, gas, tourism, and agriculture and potash. And with this nomination of the Carlsbad Caverns National Park, it overwhelmed us because it takes up about 368,000 acres, if they're looking at the buffer zone around the Caverns.

That has a lot of effect on private land, oil, gas, and people that are living there, and the State parks. We have a great concern about groups coming in and putting up buffer zones around this National Park that's been there for many years.

We, in the last summer, have fought. The environmentalists tried to come in and shut down our lunch room, which is about a mile and a half below the surface. When you do this, what you're doing is, you're taking away from the American people that come to visit this great National Park, the one thing that they can always take back home; that they ate down below the ground. And you're down there a mile and a half below the surface. That's a great feeling, to eat down below.

It's a beautiful park and we're mighty proud of it. We've taken care of it over the years, and we can continue to do our own.

There are over 65 property owners within the six-mile buffer zone that they are looking at and trying to place around the Park. The Caverns owns 34,795 acres of land. This is 21.8 percent of the land around the Park.

There are 122,903 acres of the Federal land within the six-mile radius. I have, sir, if you will allow me, a map that I brought with me. I don't know if you have a copy. I'll give you a slight chance to look at it.

The green part encompasses the Carlsbad National Park, the Caverns. This land that is encircled with the red line is the six-mile buffer zone that has been rumored to be in place. That's quite a bit of land, and that does not cover the land that goes into Texas.

I'm not sure if Texas is aware of that land that is encroached on their behalf. But this is what is encroached on in Eddy County. That's 368.5 square miles. That will have a very definite effect on us, especially on the oil and gas and grazing, and private lands, if this is in place.

We are definitely opposed to people coming in and setting up buffer zones. We have long taken care of our parks, and we believe

that the National Parks have done a great job in taking care of these boundaries.

We would not mind boundaries within the Park itself, but we cannot see encroaching of six-mile buffer zones. That's just ridiculous.

We were not given any kind of information, input, on the buffer zones when this thing was designated. We were not aware of it.

They kept saying that we needed publicity and participation. We got none. We knew nothing of this. This just happened, and when we became aware of it, it was too late. The Park itself had been designated in 1995, and there's nothing we can do except come in and ask for this panel to reconsider.

We fully support the House Bill, H.R. 3752 that you are representing, sir.

[Prepared statement of Fred T. Alvarez may be found at the end of hearing.]

The CHAIRMAN. Thank you, Fred. When we finish the panel, there will be some questions from the group.

Mr. ALVAREZ. OK, sir.

The CHAIRMAN. Ray, you're up next.

#### **STATEMENT OF RAY E. CUNIO, PRESIDENT, CITIZENS FOR PRIVATE PROPERTY RIGHTS, SULLIVAN, MISSOURI**

Mr. CUNIO. Mr. Chairman and distinguished Committee Members, it's a great pleasure to have this opportunity to address this Committee.

I am from Sullivan, Missouri. I'm a rancher and a businessman, President of Citizens for Property Rights. I also serve on a local Planning and Zoning Commission, Soil and Water Board, and the local Farm Bureau Board.

I consider myself to be a conservationist and good steward of the land, and it's my privilege to offer testimony today in favor of House Bill 3752. In so doing, I hope to illustrate to this Committee, the events that are occurring in Missouri and in the Missouri and Arkansas Ozarks that are of great concern to many of the citizens of the region, and to relate how these issues relate to the issues addressed in House Bill 3752.

Let me say that in the early 1990's, the Missouri Department of Conservation and the Missouri Department of Natural Resources, in collaboration with five Federal agencies, developed a program called Coordinated Resource Management, CRM. In January of this year, 1996, the initial CRM draft plan for the Lower Ozarks was published, finalized and published. It's about 200 pages.

Of particular concern to the citizens that reviewed this initially—and, by the way, there were no public hearings conducted on this—but of particular concern was a goal, Goal Number 9, which referred to the establishment of Ozark Man and the Biosphere Cooperative to work toward its implementation and goals and objectives; also to coordinate and integrate the efforts of the Nature Conservancy's Lower Ozark Project, Man and the Biosphere.

These were specifically referenced to be modeled and developed using the concept of U.S. Man and the Biosphere. In my written testimony and documentation, I specifically offer those documents verifying that.

We heard Congressman Hutchinson testify from Arkansas. I've worked closely with some people down there on these issues here in the last few months. The CRM portion of this is just a smaller component, Missouri component, to a much larger and more encompassing Biosphere concept. I think Congressman Hutchinson referred to it as the Ozark Highland Man and the Biosphere, which encompasses four States, the majority in southern Missouri, Arkansas, a portion of Kansas, and Oklahoma, involving about 48,000 square miles.

Now, that would involve the core areas of buffer zones and the so-called Transition Cooperative Areas, on both public, and, I might say, predominantly private lands. The Ozark Highlands Man and the Biosphere, obviously their objective is to pursue nomination and designation and recognition as U.S. Man Biosphere Program, and ultimately as a UN Biosphere Reserve.

I think one of the things that concerns us most is the lack of public input on this. I and my organization, and people in Missouri, primarily southern Missouri, have been working on this for nine months. We have found that nobody—absolutely nobody has brought this forward to the public through any kind of public hearings, by any State or local or Federal agencies.

This is of great concern to us. In fact, it would not be known, at least in Missouri—and I think the folks in Arkansas have done the same thing—it would not have been known today if it hadn't have been through the efforts of private landowner citizen groups and farm commodity organizations bringing this to the forefront. There's far too many citizens yet today that are not aware of this.

So, we have—as I said, there were several Federal agencies involved in this: U.S. Fish and Wildlife, the Corps of Engineers, Forest Service, Park Service, and so on. So, in the past nine months, there's been enough public pressure put on by organizations and landowner groups that the State agencies have dropped their participation in this.

But unfortunately, we feel like the Federal agencies and the environmental NGOs are continuing gung ho on this, and moving forward with it. The concerns that we have specifically is that the establishment of a Biosphere Reserve would have a profound impact on the utilization of resources on public and private lands throughout the Ozarks.

The multiple use of public and private resources and human activity in the core protected area would be non-existent. Buffer areas consisting of public and private lands would permit only limited human uses. Areas of transition cooperation, consisting primarily of private lands, would be strictly controlled and managed by government bureaucracies and environmental NGOs.

It is with the above-mentioned background and concern that I come to what seems to be a logical conclusion. The citizens of the Ozark region, the local and State elected officials, and the United States Congress, has been circumvented in the development in the attempted nomination and designation of a Biosphere Reserve Program in the Ozarks.

It is the citizens of this region and their elected officials at all levels that should decide how a region's resources and public and private lands are to be used for our current needs, and managed



for future generations. It is not for the Federal bureaucracies by administrative policy, or preservation-minded environmental NGOs, or an international body to decide these issues.

Therefore, I implore this Committee to strongly support House Bill 3752 to ensure that the United States Congress exercises its constitutional authority and responsibility over Federal lands, to ensure State sovereignty, and to protect private landowners in their constitutional rights; above all, to ensure that America maintains complete sovereignty over its lands from direct and indirect influence of any foreign or international body.

I thank you very much.

[The prepared statement and materials of Ray E. Cunio referred to may be found at the end of hearing.]

The CHAIRMAN. Thank you, Ray, for your testimony. I hope people were listening to this presentation about not being involved. Fred has said it, you have said. You're directly involved in it.

Kathleen Jachowski, from Wyoming, you're up next.

#### **STATEMENT OF KATHLEEN P. JACHOWSKI, PARK COUNTY MULTIPLE USE ASSOCIATION OF PARK COUNTY, CODY, WYOMING**

Ms. JACHOWSKI. Thank you, Mr. Chairman.

Indeed, it's a real privilege to be here as an American. Having listened to some of Mr. Cooley's comments today, I can tell you, if there was ever a time that the American people need the Congress of the United States to be alive and well and active, it is now. And it does our hearts well to know that you are looking after us, finally.

My testimony. I come from Wyoming, Park County, Wyoming. We ranch for a living, and I have a timber background also.

My testimony speaks to the significance, the relevance, and the ramifications of using international agreements and Federal land use designations to frustrate the public process in land management, and in order to restrict land use and economic development. Part of the United States where I live is a prime piece of real estate which exemplifies the use of national and international mechanisms to blur the geopolitical authorities, compromise State and national sovereignty, and assume politically correct postures which ignore as convenience, private property rights.

The past and renewed use of Heritage areas throughout the United States attempts to ignore the living history and cultures of America in the making, by exploiting the pain of the past, and historically understandable approaches. I will at this point say that this witness has been directly involved in the UN's involvement in Yellowstone National Park and in the Vision document which came out in 1990, and that is what I heavily will reference in my testimony.

The agenda of such documents has little to do with respect for the resources, and everything to do with social engineering at its worst.

Significance. The involvement of government agencies in developing such documents carries with it validation of the concept, be they implied or stated, perceived or real. This is significant collateral fallout.

Such documents, through the creation of labels and acronyms such as the Greater Yellowstone Area, imply that such areas are within an agency's jurisdiction and purview. Public attitudes are nurtured which do not reflect an understanding of the many geopolitical designations and the legal differences. It is significant that such labels include private lands, and, for example, the Vision document does this. It blatantly says all parts of 12 counties of Montana, Idaho, and Wyoming. This, with a flick of Bic pen, has set the seeds for misunderstanding of the part of the American public.

Let us move to relevance. In the Vision document which came out in 1990, it went back and referred to a document of 1987. We have cumulative effects here at work.

A reading of this aggregation document, to the astute reader, has the reality that Congressional mandates between and among Federal agencies are going to be modified, coordinated and overviewed in such a manner as to avoid implementing their legally recognized missions. This is done, for example, in Chapter 3, with the use of words, consistently, such as "reduce, reclaim, minimize, and the closure of roads," in discussing the management of timber.

Superimposed and/or integrate such concepts as biodiversity and the attempt to shut down politically incorrect activities are obvious. While the Biodiversity Treaty may not have been ratified, rest assured that its precepts are being integrated at every opportunity.

Chapter 3 of the Vision document gives a real insight into the land management future, and how the mission of one Federal agency can be subrogated to those of another. For example, it is quoted that responsible mineral development activities will continue on forest lands where it is compatible with other GYA or Greater Yellowstone Area goals and values.

Remember that the concept and the term, GYA, is a self-created one, here given the significance of policy. This technique of empowering a document and a term with such leverage cannot be over-emphasized as a red flag.

Ramifications. The contrived message that land belonging to the United States somehow becomes part of a global real estate ownership brings us to the Heritage areas, and once again, Yellowstone Park falls victim to such distortions and manipulations. The treaty so designating Yellowstone National Park as a World Heritage site contains the language for creation of a buffer zone whenever it is deemed necessary, an example, again, of the blurring of the geopolitical lines and private property lines.

Twenty-five percent of the area in the GYA is private property. That's an immense amount of real estate. When control cannot be otherwise snatched from State and private citizens in the battle over the Vision document since 1990, the international agreement was brought on to stage, front and center, as heavy artillery. Intimidation of the general public is the name of this ramification.

Heritage areas, Federal land use designations, and international agreements result in the circumventing of important legal documents such as NEPA, Taylor Grazing, and Multiple Use, to name just a few. Buffer zones and Heritage areas have the same effect as mine fields and grenades in other parts of the world.

They dislocate people, they destroy economic foundations, they achieve the ethnic cleansing of politically incorrect cultures, and

they put citizens at the mercy of agendas with which they have nothing in common. In closing, I would tell the Committee that the American people, Anglo as well as American Indian, have a right to expect that public law and policy will respect contemporary as well as past cultures. Thank you.

[The prepared statement of Kathleen P. Jackowski may be found at the end of hearing.]

The CHAIRMAN. Thank you very much. Our next witness will be Mr. Paul C. Jones, Executive Director, Minerals Exploration Coalition, Golden, Colorado. Mr. Jones, you are recognized for five minutes.

**STATEMENT OF PAUL C. JONES, EXECUTIVE DIRECTOR,  
MINERALS EXPLORATION COALITION, GOLDEN, COLORADO**

Mr. JONES. Mr. Chairman, Members of the Committee, I am very pleased to be here today to testify before this Committee.

I have given the secretary my written testimony, but would like to present the exhibits to that testimony, and ask they be submitted as a part of the record.

I have 35 years of experience in the mineral industry, and I am here on behalf of the Minerals Exploration Coalition to support H.R. 3752. I would like to discuss with you today, an unprecedented application of an international treaty to circumvent U.S. law by special interest groups and the Administration.

The particular law or set of laws I'm talking about is the National Environmental Policy Act and the various environmental laws that mineral properties and other actions on Federal lands are governed by. In December 1995, the World Heritage Commission made a premature, and without basis of adequate fact, declaration that Yellowstone National Park was a World Heritage site in danger because of presumed, yet unsubstantiated allegations that the New World Gold Project would create irreparable harm to our National Park.

The discussion today is about a mining project, but it can just as well have been a ranching project, a logging project, a recreation project on Federal lands, oil and gas, or any of several other uses of our Federal lands. The New World Gold Project is a medium-sized—or was a planned, medium-sized underground gold mine sited northeast of Yellowstone Park on a watershed that flows away from the National Park, not into the Park, and sited 90 percent on private lands.

It is in a mining district, the New World Mining District, that was left out of the Absaroka/Bear Tooth Wilderness Area by this Congress in 1978 when they created that wilderness area. It was left out because of its potential mineral potential.

Early in 1995, 14 special interest groups sent a letter to the World Heritage Committee, inviting them to look at the New World Project as a threat to the Yellowstone National Park, which is a World Heritage site. The Committee's director sent George Frampton, Assistant Secretary of Interior for Parks, a letter inquiring about the facts of the project, and asking for him to furnish a report on this. This was in early March.

I think that on the 27th of June, Mr. Frampton replied to that letter with a letter stating in his own words, that the New World

Gold Project represented a threat to Yellowstone National Park. But in the same letter, he said he had no report that he could provide to the World Heritage Committee giving facts for his decision—for his belief.

This is a very strange statement, in that this project was two years into the Environmental Impact Statement process, that process that is designed on science, good science, and on fact, to make logical decisions on whether a project could go forward or should go forward or not.

It was a strange statement in that the project had no permits. It was not authorized. It had not finished the permitting process, so therefore the project could be no threat to anything until that process was completed and permits were issued. Mr. Frampton invited the World Heritage Committee to the United States, and apparently pledged to underwrite a portion of their costs, a pledge which I understand was subsequently revoked after political pressure was brought to bear on the Department of the Interior.

About a week before the World Heritage visit to Yellowstone, President Clinton declared that the New World Mining District would be withdrawn from Mineral Entry under the nation's mining laws. This set the stage for a hearing in front of the world press on whether the New World Project was a threat to Yellowstone.

A four-day visit was supposedly a fact-finding visit. I took part in that event. I gave testimony to the World Heritage Committee representatives, and discussed the issue with individual committee members. At the end of that hearing, and during that hearing, Crown Butte Mines, the operator of the project, offered to give the committee a massive amount of factual data that had been gathered in the EIS process. The committee declined to accept the data. They didn't look at the data. They went home without the data.

At the end of the hearing, at a press conference, the chairman, I believe—it may have been the Executive Director of the committee, made a public statement that they would not make a decision until a draft EIS had been published. Three months later, December 5th, the committee determined that Yellowstone was threatened by that New World Project.

Congress has seen fit in its wisdom to guide mineral exploration and development, as well as all other natural resource development, with the most stringent environmental laws and most precise application of the best science and research in the world. To abandon those principles and tools and to allow international intervention as a tool for those who desire to ignore or reinvent law and government procedures without Congressional approval, as has occurred in the case of New World—will surely have tragic and far-reaching consequences to our mineral industry, and to our nation as a whole.

In summary, in December 1995, the determination by the World Heritage Committee that Yellowstone National Park was a World Heritage Site-in-Danger, was premature and without basis of adequate fact. It was based on presumed and unsubstantiated allegations that the New World Gold Project would create irreparable harm to the Yellowstone Park.

If published, the draft EIS on this project will most certainly refute these allegations. I would suggest, if the Committee wanted to

investigate this further, they ask the Chief of the U.S. Forest Service, or the Director of the Montana Department of Environmental Quality, for the results of that draft EIS.

MEC strongly supports H.R. 3752. We further suggest that Congress should limit the actions of the Administration in inviting such actions as those which occurred in the case of the New World Project. Thank you.

[The prepared statement of Paul C. Jones may be found at end of hearing.]

The CHAIRMAN. Thank you, Paul. I want to thank the panel. There will be questions now to the panel.

Fred, I understand that Carlsbad National Caverns, located in your county, has the honor of being the nation's newest World Heritage site. That's what you testified to.

What efforts did the National Park Service or other Federal agencies make in involving your county in the decisionmaking process of this designation, to restate your testimony, really?

Mr. ALVAREZ. Well, the first thing, Mr. Chairman, it takes away from the land leases we got for Federal lands. It's going to be hard on the county itself. They're going to shut us down.

We have not—as I said earlier, we do not have very much land available, private land, so when you take 368 acres out of taxation, also, and grazing, it's going to be devastating.

The CHAIRMAN. Is that 368 acres?

Mr. ALVAREZ. Thousand.

The CHAIRMAN. Yes, that's what I'm saying. I'm used to thousands and millions, you know.

Mr. ALVAREZ. It will put a devastation on Eddy County.

The CHAIRMAN. Now, but my question was, did they contact you, did they ask for a public input? Did they, in fact, have hearings or have any type of forum?

Mr. ALVAREZ. Negative.

The CHAIRMAN. Negative? None at all?

Mr. ALVAREZ. We were not informed at all. We had no public input. We were not aware of it. It's entirely new to us. No one contacted us.

The CHAIRMAN. This is the open Administration that brags about having public input.

Mr. ALVAREZ. Yes, sir, they brag about it, but they sure don't do what they say.

The CHAIRMAN. By the way, it's my understanding that there is—how many private property landholders do you have involved in there?

Mr. ALVAREZ. There are over 65 private property owners within the six miles that they are looking at. The park encompasses 34,795 acres.

The CHAIRMAN. What have those private property owners been told, Fred, by the Federal Government? What have they been told to do?

Mr. ALVAREZ. They haven't been told anything. This is new to them. That's the reason I'm here. This was all brand new to us. We were not aware of this.

The CHAIRMAN. Were there any other groups that sought restrictions on Carlsbad since it's been designated a World Heritage site?

Mr. ALVAREZ. None whatsoever. The only groups we had were when they were trying to close down our lunch room in the Caverns.

The CHAIRMAN. Now, who tried to close your lunch room down?

Mr. ALVAREZ. The environmentalists did.

The CHAIRMAN. On what grounds?

Mr. ALVAREZ. They say that the people eating down there, and the food and stuff, will create an endangerment to the Caverns themselves, which it hasn't. It's very well policed.

The CHAIRMAN. It's going to create an endanger—are there any bats down there?

Mr. ALVAREZ. There are several million bats down there, sir.

The CHAIRMAN. I think there may have been a few belfries around, that's all I can say. All right, I thank you.

All of you have had one trend here—no contact, no participation by the agency, by Mr. Frampton or Mr. Babbitt, or any other designee in this deal; is that correct?

Were you notified? Kathleen, were you notified?

Ms. JACHOWSKI. On the Vision document, there was public—

The CHAIRMAN. The Vision document. What's the Vision document?

Ms. JACHOWSKI. The Vision document is a prelude to a lot of what has happened in the Yellowstone Area. It started off actually in 1987. But this Vision document is tied, actually, to ending up with a Heritage site deal.

But with the Heritage situation in Yellowstone, if I were to answer your question, sir, I wasn't there when it became a Heritage site. It was my understanding that it was fully ratified, you know, by the Senate.

So, if you talk to people in the area around Yellowstone, people who have lived there forever, for all of their lives, I have yet to meet anyone that knew that Yellowstone Park was a Heritage site, until they tried to bring in the UN in September. It was a shock to the area.

The CHAIRMAN. All right, it goes back to—if I'm not mistaken, now, Kathleen and Paul, you're telling me that the EIS process, the law as in place now, has been circumvented by recognizing this as a Heritage site?

Mr. JONES. The EIS process was designated by Congress. It was a formula of how we make decisions, based on good science and fact, on any kind of activity on the public lands. In this particular case, the EIS process was started in early 1993 for this project, after the data had been gathered for about a three-year or four-year period.

The process was two years into its evolution when the Administration, the Department of the Interior, and the World Heritage Commission decided they wanted to look at this situation. The focus was shifted from a fact-based decisionmaking process to a political decisionmaking process.

The special interest groups created a lot of interest in the national press, the New York Times and other papers, about this, and there was a great movement that New World was going to damage the park. This was based on innuendo, not fact.

This gave the Administration political strength, if you will, to make the recently announced, by President Clinton, \$65 million-land trade of surplus lands somewhere else in the United States for the project.

The CHAIRMAN. By the way, before you go on, that has to go through this Congress, too.

Mr. JONES. I would hope it does.

The CHAIRMAN. This is an example of the arrogance of this Administration. That has to go through this Congress. Without any consultation with this Congress, without any consultation with this Chairman, they made that great announcement, by the way.

My time is up. The gentlelady from Wyoming?

[No response.]

The CHAIRMAN. My intention is that we will ask questions until the next bells ring, and then when we come back, either Mr. Hansen or Mrs. Chenoweth will take the Chair, and we will finish the questions of this panel and bring the other panel up.

Mrs. Chenoweth?

Mrs. CHENOWETH. Thank you, Mr. Chairman.

This whole issue goes to the very foundation of our Constitution, which was, as I understand it, set up to preserve the sovereign rights of the United States and individuals.

Mr. Jones, I find your testimony very intriguing. Has there been an offer by anyone to buy out the mine at \$65 million or any other number?

Mr. JONES. That number is a very low number for the value of the future profits, if you will, that could be made if that mine were allowed to proceed in an environmentally safe manner.

The company has invested \$37 million, or say they have invested \$37 million on the books. They have offered to pay \$22.5 million—and this is a pledge in the agreement that was signed with the U.S. Government, that they would spend \$22.5 million to restore the historic mine damage, not the damage that they would create, because they're not going to do it, but the already-there damage from the 1950's back to the 1870's, to do restoration work in the district. So that leaves \$5 million, if you will, that they either haven't spent or would spend.

A project like this could have a net present value at a good discount rate of somewhere in the \$150–200 million range, if they were to proceed with it. So, no, nobody has offered to buy the project for that number. But that's an unrealistic number. That's only a recoupment of losses.

Mrs. CHENOWETH. Do you have any idea of what the value might be of the mineral lode?

Mr. JONES. If you use the company's numbers, their projections, of 130,000 ounces of gold per year, and about 2,000 tons of copper, and work it over a 12-year period at the current gold prices and copper prices, and then discount that money back to present day worth, somewhere in the \$175–185 million range.

Mrs. CHENOWETH. How would you enter into the lode? Is it going to be an open-pit mine?

Mr. JONES. It will not be an open-pit. It is very specifically an underground property. It is being permitted as an underground property, and a property that would be milled—the ore would be

milled, not using cyanide, which the special interest groups have said it would, but using conventional water-type flotation of the ore.

Mrs. CHENOWETH. And you testified that the wilderness lands exempted this particular mineral site?

Mr. JONES. In 1978, yes. In 1978, the Congress, when they set up the Absaroka/Bear Tooth Wilderness Area, which abuts this New World Mining District, excluded the New World Mining District because of its presumed mineral potential.

Mrs. CHENOWETH. Is this mine owned by a Canadian company?

Mr. JONES. Crown Butte Mines, Incorporated is the owner of the property. It is owned, in total, by Crown Butte Resources, Inc., a publicly held Canadian company, of which Battle Mountain Gold Company, a U.S. company located in Houston, owns 60 percent.

Mrs. CHENOWETH. Mr. Chairman, I just have a couple more questions that I'd like to ask Mr. Jones.

When the World Heritage designation was made for this site—the United States, of course, has reserved ownership in the Western States of the minerals under the ground. Once this is given over, who would have control of the minerals?

Mr. JONES. If the agreement with the U.S. Government, between Crown Butte and the U.S. Government goes through, the concept is in the agreement that Crown Butte would have to acquire the ownership of the mineral rights that they do not already own. They own part of them; they lease part of them.

They have to acquire the leased portion, and they would trade that mineral right to the U.S. Government for this \$65 million of land elsewhere. So, the U.S. Government would then own 100 percent of the mineral rights that Crown Butte now owns or controls.

Mrs. CHENOWETH. I see. And so the American taxpayer is perhaps paying up to \$65 million to give over mineral rights?

Mr. JONES. That is correct, absolutely. The U.S. taxpayer is going to pay \$65 million.

Mrs. CHENOWETH. And you testified that the Environmental Impact Statement process was interrupted and aborted by the injection of this UN, UNESCO team?

Mr. JONES. It was interfered with by the UN/UNESCO. It shifted the focus to the political sphere. It has subsequently been placed on hold as a part of the agreement that President Clinton announced on August 12th. It is in abeyance. It's being held in abeyance right now.

The CHAIRMAN. With all due respect, the gentleman from Oregon has to take the Chair after this, so you have five minutes. We've got ten minutes to go, I believe, and you can ask your questions.

Mrs. Chenoweth, if you would go vote and come back and take the Chair, if Mr. Hansen doesn't come back. Go ahead, Mr. Cooley.

Mr. COOLEY [PRESIDING]. Fred, when you got information that they were designating this New World Heritage area there, who told you this? What agency informed you?

Mr. ALVAREZ. I picked this up at a summit I went to in Casper, Wyoming, here about a month ago. That's the first I heard of it.

Mr. COOLEY. But what agency informed you?

Mr. ALVAREZ. It was the Western Coalition.

Mr. COOLEY. The Western Coalition?



Mr. ALVAREZ. Of States.

Mr. COOLEY. Is that a Federal agency?

Mr. ALVAREZ. Well, it's a group—no, it's just a group of people, just for the Western States.

Mr. COOLEY. So you've never been notified by a Federal agency.

Mr. ALVAREZ. Never, no. Never. And we sit on the board there, and nobody ever notified us.

Mr. COOLEY. So, no Federal agency has ever notified you that you have a new designation of a World Heritage site around this location?

Mr. ALVAREZ. Not to my knowledge. I had never heard of it.

Mr. COOLEY. That's very interesting. I didn't think so, but I was just curious.

Ray, let me say something, because I am in the cattle business, as well. You know, I think we ought to stop apologizing for using the land.

I think we are always defending ourselves, saying we're environmentalists and we're doing this and doing that. These people can go to hell. We should be able to use the land the way we want to.

Too many times now, the Greens have put us in a defensive attitude where we come in and start apologizing because we're utilizing and are good stewards of the land. I think we ought to stop doing that and tell them to go jump off the cliff, and stop doing it because if we don't stand up, they're going to run over us, and that's what they're doing to us right now.

Nobody destroys their land deliberately for any other reason. We've had some people in the past who have done it, and we've been paying since for years. We ought to stop doing that. I think that Congress has really got to stand up and make a stand on who's doing this.

Paul, there's one thing I want to ask you. You talk about this committee. Who is this committee? I mean, where do they come from? Who are the people? What countries are they representing? Are they just sort of the committee that just sort of comes in and says, we are now the committee?

Mr. JONES. That's probably a question that you should ask later to the representatives of UNESCO.

Mr. COOLEY. I'm sorry, but I'm not going to be here.

Mr. JONES. As I understand it, the World Heritage Convention, which was set up in the 1970's, established a committee of 20 some odd representatives. Each comes from a different country.

The four individuals that came to Yellowstone were the director, or executive director, Mr. van Droste—

Mr. COOLEY. From where? What country?

Mr. JONES. I don't know what country. He's based in France.

Mr. COOLEY. OK.

Mr. JONES. The Chairman was Thai. The other two representatives were the ex-Director of Parks in Canada, and the Director of Parks in South Africa. And the Executive Director—I think he's a Frenchman.

I think he's a German, but he's based in France. They represented the 20-odd committee members that met in December, on the 5th of December, do decide whether Yellowstone was or was not endangered.

Mr. COOLEY. They're a good bunch of socialists altogether. Well, the thing is that it's obvious that through the Executive Branch or through some of our agencies or something, that we're starting to accept a new world Heritage sites or a new world order, and using the environmental or the Biosphere idea in order to take control of private property.

If I were you—I don't think we can do enough to stop this. I think I'd start putting pressure on people in Congress to make them aware of what's going on. I'll certainly do what I can do.

I applaud the Chairman for standing up and introducing this legislation, because I think this is the first real onslaught that we're seeing of control of America, private property, destroying the Constitution of this country, infringing upon one of the basic foundations of this country, which is private property rights. And I think that we all have a bound duty to whatever we can to turn this thing around.

I really thank you, gentleman, and lady, for coming today, and making all of us aware of what's going on. I think it's a very interesting project, especially since no Federal agencies informed you of this, and yet it's apparently going to happen.

The CHAIRMAN. I thank the gentleman from Oregon. The panel will—if you are so disposed, I hope you stay in the audience to listen to the next panel. It's going to be an interesting panel. I will probably call on you, not necessarily, but if there is any time that you think you want to refute what's being said, we would like to hear this.

I read all the testimony. It's very interesting testimony. There's a lot of justification and not a lot of, I think, real meat and bones in this thing. I hope you hang around. I do thank the panel. We'll be back as soon as this vote is over. Mrs. Chenoweth will take over, I believe, the Committee at that time until I get back.

[Recess.]

Mrs. CUBIN [PRESIDING]. We're going to go ahead and start. I think some Members will be coming in as we proceed. I'm Barbara Cubin from Wyoming. I'll be taking over for just a little while.

We have Mr. Frampton, Assistant Secretary for Fish and Wildlife and Parks; and Nina Sibal, Director, United Nations Educational, Scientific, and Cultural Organization; and Dean Bibbes, Chairman of the U.S. National Committee for the Man and the Biosphere Program; and Myron Ebell, Director of National Policy, Frontiers of Freedom, Jeremy A. Rabkin, Associate Professor, Department of Government, Cornell University.

Welcome to all of you. We're using the lights, so if you would go ahead and begin, Mr. Frampton, we'd like to hear your testimony.

#### **STATEMENT OF GEORGE T. FRAMPTON, JR., ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, U.S. DEPARTMENT OF THE INTERIOR**

Mr. FRAMPTON. Thank you, Madam Chairman.

The Administration opposes H.R. 3752. We think it would impose unnecessary and inappropriate restrictions on the ability of Federal agencies to work cooperatively with States and other levels of government to achieve the benefits of international recognition for U.S. conservation-sites; that it would tend to undercut the recog-

nized leadership in global conservation that our nation has earned, in part, through these international agreements, and finally; that it would repeal—disrupt and repeal some very longstanding treaty obligations of the United States, negotiated by previous Administrations and confirmed by the Senate.

That would be the case, not only with the World Heritage Convention Treaty, which is one of the two specific targets of the bill, but also of other treaties, including some of the migratory bird treaties, the North American Waterfowl Agreement, potentially, and the International Wetlands Treaty, or so-called RAMSAR Convention.

Contrary to the statement that was made by the Chairman at the outset of the hearing, none of these agreements, specifically, neither the World Heritage Convention, nor the Man and Biosphere Program impose any UN or international restrictions or limitations on U.S. land or natural resource use. They simply don't exist.

There is no example that I'm aware of in which an international agreement has resulted in any changes or additional burdens on Federal or State land use, or private land use in the United States, ever.

Now, let me just say a few words about the World Heritage Convention, which was the subject of most of the testimony here so far today. This was an important policy initiative, as Chairman Young pointed out from my testimony, of the Nixon Administration, which took the lead in negotiating this treaty.

The U.S. was the first to sign. There are now 146 participating nations. The treaty was confirmed by the Senate. The current process by which nominations are evaluated and made is actually done pursuant to a statute enacted in 1980 by this Congress, so there has been full Congressional ratification of the treaty procedures, as well as Senate ratification of the treaty.

When President Reagan made the decision at the beginning of his Administration that we would withdraw from UNESCO, a very explicit decision was made that the World Heritage Program was important enough, even though it is under the ambit of UNESCO, that we would remain in this program. In fact, the implementing regulations for the program were issued in 1982 under Secretary James Watt.

President Bush also embraced the program, and Secretary Lujan, as Mr. Young mentioned, hosted the World Heritage Committee in 1992, in this country. Of the 469 sites around the world that are designated under the Convention, 20 are in the United States, almost all are National Parks—Yellowstone, Grand Canyon, Mesa Verde, are examples, and some of the other examples from around the world include the Pyramids at Giza in Egypt, the Taj Mahal, Chartres Cathedral, Serengeti Plain, and so forth.

There is absolutely nothing about a World Heritage designation that restricts sovereignty or limits in any way, the management of public lands or private lands. The idea that these conventions impose any restrictions or limitations on land management in the United States, whether it's the Federal management of Federal land, State management or private land management, is totally a myth.

Furthermore the designation process, contrary to some of the comments made this morning, I think, is a process that is designed to involve Congress. Mr. Young mentioned that he didn't believe that Congress was ever notified or consulted about World Heritage designations, but that, in fact, is not correct.

Congress is notified under the 1980 statute, and the regulations. The Committees are notified specifically on two occasions—first, when there is a consideration of a nomination, and then before the Secretary of Interior actually nominates a site for World Heritage designation. In fact, I happen to have with me this morning, a letter to Mr. Young, notifying him in 1991 that Glacier Bay National Park was going to be nominated by Secretary Lujan for World Heritage status, and that ultimately Glacier Bay was designated. With respect to private property, concurrence is required of the private property owner before any designation occurs.

Now, the Man and Biosphere Program is not established pursuant to treaty, but it is a designation which is basically designed to encourage voluntary associations of stakeholders, local people, to get together and try to do planning for sustainable development. The specific charter document of the Man and the Biosphere Program provides that Biosphere Reserves remain under the sole sovereignty of the State—that means the country—where it is situated, and thereby submitted to State legislation only—in other words, domestic legislation and control only.

We think, Madam Chairman, that this legislation is basically a solution in search of a problem. There is no problem. There is not history, there is no record, there is not, as far as I'm aware, a single instance in which there has been any impact by any of these international programs or conventions upon local, State, or Federal land use.

In fact, World Heritage certification is avidly sought, in most cases, because it tends to increase the visibility of a site and attract tourism. I wanted Mr. Young to—I want to make sure to put in the record, the recent statement of Director of the Alaska Division of Tourism, calling the World Heritage site designation for Alaska parks, a tremendous marketing tool.

I see that my time has expired, Madam Chairman. I wanted to have a chance and perhaps I will during the questioning, to respond to the suggestion this morning that World Heritage site designation for Yellowstone National Park, which occurred in 1978, had any relationship to the actions and recent steps that the Clinton Administration has taken with respect to the New World Mine outside of Yellowstone.

[The prepared statement of George T. Frampton, Jr., may be found at the end of hearing.]

Mrs. CUBIN. We'll discuss that in the question period.

Mr. FRAMPTON. I'm prepared to address that. Thank you.

Mrs. CUBIN. Thank you very much.

Ms. Sibal?

**STATEMENT OF NINA SIBAL, DIRECTOR, UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION, NEW YORK, NY; ACCOMPANIED BY MR. PIERRE LASSERRE, DIRECTOR OF THE MAB DIVISION, UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION**

Ms. SIBAL. Thank you, Madam Chairman, and thank you for asking UNESCO to be here today to testify in your hearings. We have also submitted written testimony. We have also, with your permission, Madam Chairman, a colleague of mine, the Director of the Man and Biosphere Program in UNESCO, Dr. Lasserre, who is directly behind me, in case you have a very technical question on Biosphere Reserves. As I understood from the questions that have been put so far, there is a distinct interest in Biosphere Reserves, so we specially asked him to come.

We heard from Chairman Young, a very fine understanding of the role of UNESCO, and so I am not going to go too much into that question. We are here to reiterate the information that has been provided in the written testimony.

I will begin by stating that, really, UNESCO does not take a position on the pros and cons of the legislation proposed in H.R. 3752 of the 104th Congress. The way in which the United States chooses to relate to the UNESCO program, or to the subject of the World Heritage, is a sovereign decision of the American people and the American government.

I want to reiterate three points. On the sovereignty issue, UNESCO has no jurisdiction over the territories designated as Biosphere Reserves or World Heritage sites, which remain completely under national jurisdiction. The second point, in our experience, that is, in UNESCO's experience with these two programs around the world, designation has, in fact, meant economic development in the region. The money spending has come principally from the tourism industry.

We had recently an important meeting which discussed and analyzed this, and we found that 53 people living in Biosphere Reserve sites made their living from tourism. The last point, Madam Chairman, is something that is not touched upon too much in the written testimony, so I will go into this a little bit, because the earlier panel of witnesses spoke to this point a great deal, and I think that it is also an important interest to the distinguished members of this Committee.

This is the question of the involvement of local populations. And I wanted only at this point to give you what is the formal position within the international statutes that we are referring to on these two subjects, the World Heritage Convention, on the one hand, which is a treaty obligation, and which was entered into by the United States in 1973, and the Man and Biosphere Program, which has a statutory framework, but which is voluntary.

Now, Paragraph 14 of the Operational Guidelines of the World Heritage Convention indicates clearly that, and I quote, "Participation of local people in the nomination process is essential to make them feel a shared responsibility with the State party in the maintenance of the site." This is the close of quotes. It is, however, the State's responsibility to involve local populations in both the nomination and the preservation of the site.

We checked also the nomination form, and we found that there is no mention in the nomination form of a section on local community consultation. Moreover, applications to nominate a site may or may not include evidence of local consultations. This is an internal United States decision for local consultation or not.

Now, this is all with reference to designation of World Heritage sites. When you come to a designation of a Biosphere Reserve, it is another matter. There, in fact, the evidence of consultation with local people must be provided with the nomination dossier. This has been especially so in recent years when more rigor has been used in processing nominations.

I would like to read very briefly from a document which was attached as an exhibit to the written testimony of UNESCO. This is the Seville strategy and the statutory framework which was adopted only last year. So all this is more than 20 years down the road from the time when the World Heritage formulations were evolved. So it really represents a movement forward in international thinking on this question.

I quote, "There have also been important innovations in the management of Biosphere Reserves themselves. New methodologies for involving stakeholders in decisionmaking processes and resolving conflicts have been developed."

Another quote, "Most importantly, the link between conservation of biodiversity and the development needs of local communities, a central component of the Biosphere Reserve approach, is now recognized as a key feature of the successful management of most National Parks, nature reserves, and other protected areas."

And I will just touch on one last direction of the Seville strategy, which is where we are pointed in for the future. The direction is to promote the management of each Biosphere Reserve essentially as a pact, a pact between the local community and society as a whole. Management should be open, evolving and adaptive. Such an approach will help ensure that Biosphere Reserves and their local communities are better placed to respond to external political, economic, and social pressures.

Having said this, Madam Chairman, of course, these are recommendations, and it is up to you, up to the U.S., to decide how to implement them. Thank you.

[The prepared statement of Nina Sibal may be found at the end of hearing.]

Mrs. CUBIN. Thank you. While I'm thinking of it, I have an opening statement that I'm just going to drop into the record for myself.

[The prepared statement Hon. Barbara Cubin a U.S. Representative from Wyoming follows:]

#### PREPARED STATEMENT OF HON. BARBARA CUBIN

Mr. Chairman, thank you for holding this hearing today on H.R. 3752. I appreciate the opportunity to explain why this legislation is so important and regret that it wasn't in place several months ago when the United Nations designated Yellowstone National Park as a World Heritage Site in Danger.

Oddly enough, one of the reasons the Park was so designated was because the United Nations, with the help of pressure from environmental groups, decided Yellowstone was being greatly affected by the influx of tourists. What is even more ironic is that some of those same environmental groups also pushed for the introduction of the wolf into the Park in order to increase tourism in the area.

I believe the real purpose behind the UNESCO visit and ultimate World Heritage designation was to influence the outcome of a pending environmental impact statement (EIS) on the New World gold mine planned just outside the Park's boundaries. Not surprisingly, the mine proposal received a great deal of negative press, even though no final decision had been made about its impact on the Park and its ecological integrity. Yes, the wisdom of building a mine so close to the Park's border is questionable.

But that decision should be left to those closer to and more familiar with the project, not an outside international body with no knowledge of domestic policy or law. Interior Department officials who had a hand in inviting the UNESCO group should concern themselves more with adhering to the letter of law instead of using an international visit to circumvent it. The bill that we are considering today will ensure that future designations of public lands as World Heritage Sites or Biospheres receive the appropriate Congressional scrutiny. I look forward to hearing from today's witnesses and trust the Committee will move expeditiously to enact H.R. 3752 early in the next Congress.

Mrs. CUBIN. We'll move on to Mr. Bibles.

**STATEMENT OF DEAN BIBLES, CHAIRMAN, U.S. NATIONAL COMMITTEE FOR THE MAN AND THE BIOSPHERE PROGRAM, VIENNA, VA**

Mr. BIBLES. Thank you, Madam Chairman.

I would request—I had six exhibits attached to my written testimony, and I would request that they be made a part of the record, if we could.

Mrs. CUBIN. Without objection.

Mr. BIBLES. I'll summarize briefly, thank you.

I appreciate the opportunity to testify on H.R. 3752. I'm here in my capacity as Chairman of the United States National Committee for the Man and the Biosphere Program. I recently retired after more than 42 years of service with the Department of the Interior.

I served in many capacities with the Bureau of Land Management, including District Manager in the States of Montana, California, and Idaho, and as Assistant Director in the Bureau's Washington office, with responsibility for lands, rights-of-way, recreation, wilderness, and Alaska programs, then as State Director in Arizona, and later as State Director in Oregon and Washington. Most recently I served on the staff of the Secretary of the Interior as Director of the Policy on Land Tenure.

I'm convinced that many of the concerns facing Americans trying to achieve balance in their quality of life can best be addressed using the concepts of the Man and the Biosphere. MAB, and the Biosphere Reserves are really about developing effective and long-term partnerships between all stakeholders in a region.

At the local level, designation of a Biosphere Reserve provides an open forum for citizens to work with Federal agencies, local governments, universities, non-governmental organizations, as well as other resource users. I would call your attention to a letter that came to the Chairman from the Chairman of the Barren River Development District in Kentucky.

This concept helps develop the knowledge, skills, and method for sharing perspectives on how to solve complex problems of conservation and sustainable development, certainly multiple use in action. Although the majority of the U.S. Biosphere Reserves consist of a single designated area such as a National Park or other protected areas, more areas are exploring opportunities for cooperation with complimentary areas within larger landscapes or seascapes.

As the practical benefits of voluntary cooperation among these areas are realized, these areas may decide to seek more international recognition by forming a multi-site Biosphere Reserve.

An example is the Central California Coast Biosphere, which includes 13 protected terrestrial, coastal, and marine areas managed by Federal, State, and local agencies, as well as several private organizations in the greater San Francisco area. The people in this area have made great strides in understanding trends in their area, and identifying their own needs and setting their own course.

In protected areas where these partnerships are being developed, there's an evidence that Biosphere Reserve status gives added value, helps encourage cooperation by all local interests, and fosters greater commitment to these mutually cooperative activities.

Madam Chairman, I'm concerned that the passage of H.R. 3752 would set back a lot of hard work by many local interests, and would also legislate into existence, another governmental program requiring a multitude of procedural steps.

The beauty of the Biosphere Reserve model, as it's implemented in the United States, is that it is truly a ground-up program, a program that is only started by local interests voluntarily to come together to deal with common regional issues. It is a very simple, non-bureaucratic method of allowing all parties, whether they're private landowners, corporations, local, or State, or Federal Government representatives, to come together to discuss how they manage their resources to receive a reasonable return on those resources, but at a sustainable rate.

While the elevation of this process to Congressional action may sound good, it is more likely to accelerate the local folks being left behind.

Thank you. I'd be glad to answer any questions afterwards.

[The prepared statement and materials of Mr. D. Dean Bibles referred to may be found at the end of hearing.]

Mrs. CUBIN. Thank you, Mr. Bibles. The next person to testify—let me find my list here—yes, is Mr. Ebell.

#### **STATEMENT OF MYRON EBELL, DIRECTOR OF NATIONAL POLICY, FRONTIERS OF FREEDOM, ARLINGTON, VA**

Mr. EBELL. Thank you, Madam Chairman.

My name is Myron Ebell, and I'm Policy Director of the Frontiers of Freedom Institute. I'm here today testifying on behalf of Frontiers of Freedom. Our Chairman, Malcolm Wallop, wanted to be here, but unfortunately he had an appointment this morning out of town.

Frontiers of Freedom strongly supports passage of H.R. 3752, and we congratulate Chairman Young for introducing it. We believe that it will be a big first step toward bringing a lot of mischief-making capabilities under control.

In the first place, H.R. 3752 will end the secrecy under which these designations and management activities are now conducted. We heard from the first panel, of course, that they hadn't—that the County Commissioner hadn't heard about a World Heritage designation. In my written testimony, I quote from Carol LaGrasse, the President of the Property Rights Foundation of America. She got involved in property rights issues because she, as a town coun-



cilman in the Adirondacks, wasn't aware of the international designations of the Adirondacks. She also told me that a similar Biosphere Reserve designation in New York in the Catskills completely fell apart as soon as it became public, and it became public just through chance.

These are secret operations. They're run under the radar screens of the general public, of the people who actually live in the affected areas. The people who know about these designations are Federal officials from the Executive Branch, and, I might mention, from many, many agencies, university people, and the environmental organizations, the so-called NGOs, the non-governmental organizations. So the best thing, in our view, about this bill, is that it will end secrecy.

I think it will also put some breaks on the mischief that can be done. I agree with Director Sibal and even Assistant Secretary Frampton, that these designations don't directly threaten the sovereignty of the United States, but that is not an argument against this bill.

What we have here is a cabal. It's a cabal of Federal agencies, in the first place. If you look at the Biosphere Reserve materials that Mr. Bibles provided, you'll see that 13 Federal agencies cooperate in these Biosphere Reserve management activities. In addition, dozens of environmental organizations cooperate.

The rhetoric of cooperation worries me. The energizing idea of our system of government is to keep power divided between the levels of government, so that those people who have power at one level or in one branch, will jealously guard their powers against another, so that they will offset one another.

The kind of cooperation we see in these programs, the World Heritage Program and the Biosphere Reserve Program, is meant to overcome these divisions of power through agglomerating power and evading responsibility. What we end up with too often is a weapon.

The Biosphere Reserve designation or a World Heritage site designation is a weapon that one side in our national debate uses against the other. And, of course, it's the environmental organizations and the current Administration who use this weapon. I think it's interesting—and I quote at length from the Yellowstone controversy in my written testimony, but since we've already had testimony on it here, I'll leave that for my written testimony.

But I would say that the disgraceful conduct of the Clinton Administration in the whole Yellowstone controversy, I think, bears further exploration, and probably a hearing all to itself.

I think it's interesting that the groups that worked with the Clinton Administration, the NGOs, the environmental organizations who worked with the Clinton Administration to bring the World Heritage Committee to Yellowstone to propagandize against the New World Mine Project—by the way, here is a headline from the Billings Gazette, "Panel: Park Needs Buffer Zone."

The panel, of course, is the World Heritage Committee, and what the World Heritage Committee said is, you are evading your responsibilities when you signed the World Heritage Convention by not putting a buffer zone around Yellowstone. So, it's interesting

that these NGOs have all the time in the world to create mischief, but they don't have time to come here today and testify.

My time is almost up. I would say, in conclusion, I think that the property rights protections are important, but that they don't go far enough. I have made a suggestion in my written testimony that this bill is really a first step. You are, in H.R. 3752, going to assert Congressional control over the designation process. But you also, I believe, need to go further and assert control over the management process as well, by requiring all of these Federal agencies to report on their activities on a regular basis, as to what they're doing in the Biosphere Reserve Program and the World Heritage Program.

Thank you, Madam Chairman.

[The prepared statement of Myron Ebell may be found at the end of hearing.]

Mrs. CUBIN. Thank you, Mr. Ebell. Next, Dr. Jeremy Rabkin, Associate Professor at Cornell University. Dr. Rabkin?

**STATEMENT OF DR. JEREMY A. RABKIN, ASSOCIATE PROFESSOR, DEPARTMENT OF GOVERNMENT, CORNELL UNIVERSITY, ITHICA, NY**

Mr. RABKIN. Thank you. I don't live in a Biosphere Reserve, and I haven't had direct experience with a World Heritage site. I'm a college professor. I live in a hot-air preserve.

I was invited to speak here today, I think, because I've written a few articles about the question of encroachment on national sovereignty. I want to explain briefly why I think that is a serious concern, and one needn't be trading in bizarre rumors about black helicopters coming to seize our National Parks to take the sovereignty question seriously.

What does sovereignty mean? This is a relatively modern term. It only goes back to the 16th century at the earliest. The term came into use in political treatises in the 16th and 17th Centuries to emphasize the distinctiveness of governmental responsibility. The idea was to separate the sovereign from whatever feudal ties he had to his vassals or to his overlords to say there's something distinctive about governing.

It was to separate the church and the influence of bishops and popes, and to say government has a distinctive responsibility for its own people, and therefore you have to be very clear about which people are being governed by which government. And that's what sovereignty is supposed to clarify. Fundamentally, in its internal aspect, sovereignty is about establishing responsibility, which means accountability to the people who are governed.

Now, in our country, we have a very specific constitutional system to establish the internal accountability of our government. And if you look back over the 20th century, every time we've had big debate about sovereignty, or every time we've had a debate in which sovereignty has been invoked as an issue, in none of these debates was there any serious danger that the United States was going to be forced to do something that it didn't want to do.

If you go back to the debate on the League of Nations, everyone understood that the League couldn't force American troops to do anything if the President didn't want to. The reason there was a debate about the League of Nations was, people were concerned

that the President would use a resolution of the League of Nations as, in itself, enough justification to commit U.S. troops, not seek approval from Congress and a declaration of war, the way we would normally do it. That debate has continued right up until just last week when I understand the House passed a bill limiting the President's authority to commit troops to UN peacekeeping operations.

That is the same kind of concern about sovereignty. Of course, our troops aren't going to be used if the President doesn't want them to, but that isn't the only issue. The question is, are our own ordinary sovereign procedures for deciding when our troops are used, are those going to be short-circuited, or is there going to be an end-run around them by invoking some international authority?

That's what people are concerned about in this situation with the Biospheres and World Heritage sites. Now, we've been told by previous witnesses, and a lot of things have been published on this. It's all totally voluntary. There can't be any restriction on sovereignty, there are no burdens imposed, there's nothing to worry about.

If there are no burdens imposed, if there are no restrictions, if there's no obligation, why do we have this program? If it's all just a matter of talk, why don't we just let people talk?

As I mentioned at the outset, I come from a university. People do lots and lots of talking there. We do lots of cooperation with universities all around the world. We don't have to have a program for it. We certainly don't have to have a treaty for it.

I do not believe it is credible that these programs have been set up, and there never will be any coercion at all involved. Mr. Bibbes said the Biosphere programs—said it's a ground-up process, it's a forum, it's a partnership, stakeholders are cooperating. It's as if there's never any conflict. There's never any opposition of interests.

But life is not like that; kindergartens are like that. In any large area where you have owners and other people who are competing with them, and different interests involved, there are going to be conflicts, and then the question is, who decides? If the whole thing is merely voluntary, if it has no authority to push anyone one way or the other, what is it about?

I think it's perfectly understandable that people are concerned that when you set up a program, when you give it a designation, where you as international authorities recognize it, the implication is that down the road when there are conflicts, somebody's going to be leaned on, and the authority for this, at least the moral authority for this, will be an invocation of some very dubious international authority.

So, to come quickly to the end, I think it is quite reasonable for the Congress to say, wait a minute. In the United States, it makes a big difference whether you are a property owner or you are a stakeholder, meaning someone from out there who has an opinion. In the United States, it makes a big difference whether you're being coerced pursuant to law, or you're being cajoled or manipulated by a program that floats by itself.

I think it's perfectly reasonable of Congress to say, before anybody is put under any kind of international designation with whatever kind of authoritative status it has, that Congress has to be

consulted and Congress has to approve. And similarly, one other thing I should mention, which I think is an aspect of the bill that has gotten enough attention, is that one of the things the bill is trying to do is to say, if State and local entities are involved, they have to have a separate say. You cannot rely on Federal officials to make a designation and then an international registry that affects State and local officials, without their specifically consenting to it.

It's not even, I think, a matter of consulting them; it is getting their consent, which is what the bill is trying to establish. Again, I think that is our traditional way of doing things in this country. And if it's inconvenient for some international program, too bad. We don't run this country for the world; we run this country for ourselves.

Thank you.

[The prepared statement of Dr. Jeremy A. Rabkin may be found at the end of hearing.]

Mrs. CUBIN. Thank you very much. We will proceed directly to the question period because I have to leave, Mr. Chairman.

The CHAIRMAN. Madam Chairman, you're Chairman, so you ask your questions first.

Mrs. CUBIN. Thank you. I do appreciate that. This is for Mr. Frampton.

Yellowstone Park was recently listed as a World Heritage site in danger by the World Heritage Committee because of increased visitation to the Park. I heard, in part, I believe it was your testimony or Ms. Sibal's, that one advantage of the designation is that it increases tourism and contributes to the economy.

And yet we have here a situation where the Committee that said that Yellowstone is in danger because of too many visitors. So, would you please tell me what impact you think this listing will have on future visitation to Yellowstone, and how Park management should work this listing into its management plan, or should they work this listing into their management plan?

Mr. FRAMPTON. Well, Madam Chairman, Yellowstone was designated as a World Heritage site, originally in 1978. As I understand it, the Committee's action at the end of last year, placing it on the endangered list, was primarily generated by the perception that if the New World Mine went forward—

Mrs. CUBIN. That was part of it.

Mr. FRAMPTON. [continuing]—that that would pose a danger—might pose a danger to the Park. And there were a number of other issues—brucellosis.

Mrs. CUBIN. And increased visitation. That was one of the reasons listed, it definitely was.

Mr. FRAMPTON. The question of how that increased visitation pressure would be integrated into the Park's management plan, really doesn't have anything to do with the site listing. Obviously, Yellowstone National Park is experiencing increased visitation, and that's an issue which is taken into account every year in the management planning for the Park.

I think that my concern is to make clear—and I think the public record is clear, that the committee's visit last summer to Yellowstone had no impact or relationship to the EIS process for the

mine, and no relationship or impact on the decision that the President made a year ago to see whether there was a possibility to interest the company in a resolution of an acquisition of its interests, so that the mine would not go forward.

Mrs. CUBIN. Mr. Frampton, I only have five minutes, so I apologize for interrupting you.

But the fact is that one of the reasons listed was that visitation in Yellowstone is too high. That was one of the reasons it was listed as a site in danger.

Mr. FRAMPTON. That visitation is too high?

Mrs. CUBIN. Yes.

Mr. FRAMPTON. I'm not aware of that.

Mrs. CUBIN. Well, that is a fact. Thank you.

Now, first of all, you know, you mentioned just the site designation as the purpose, so it appears to me right here, we already have overstepped more than just designating a World Heritage area. Additionally, you say that the fact that the committee came over here during the EIS process had nothing to do with the outcome of the EIS or so on and so on.

Now, I am not going to say that the committee coming over here did or did not have anything to do with the outcome as to what President Clinton has done. But what I am going to say is that it was, in my opinion, a blatantly political act.

It was done to draw attention, public reaction, public response, and public pressure to see that mine wasn't developed. Now, I'm going to tell you, frankly, I was never in favor of the mine, particularly. I always withheld that because I felt that it was very improper for a government official, either in my position or in yours, to tamper in any way with a process before it's complete.

Doing that, politicizing the Environmental Impact Statement process, guarantees one of two things. It guarantees degradation of the environment, or it guarantees violation of private property rights. If you have a policy in place for determining whether or not something will damage the environment, to keep integrity in the process, you have to let the process proceed without assaulting it with political actions. That's what you did.

Now, if the process doesn't work, then change it. But manipulating the process is bad for everyone concerned. I believe that it was a manipulation of the process. I do not know how the people who are doing the Environmental Impact Statement could be working three and a half years and still not have a decision on whether or not the development of the mine would harm the Park.

But the World Heritage site committee came in and in three and a half days, determined that it would. I think that was irresponsible. I think that was political, and how in the world could they come up with that decision when scientists and land managers and all of the people involved in the EIS weren't able to do it in three years? It doesn't make any sense.

Mr. FRAMPTON. Madam Chairman, I don't think—I appreciate your perception of this. But I don't think that President Clinton wanted or needed a UN group to gin up public attention one way or another, for him to make a decision about what he wanted the Federal Government's position to be about the mine.

Last summer, a number of environmental groups convinced him to get briefed on this and to visit the site, based on the fact that this has been the subject of front-page magazine articles for several years. He went and looked at the site. He made a personal decision that this mine would pose a significant problem, if it went forward, either for the Park and/or for important trout waters in Montana.

And he, as I understand it, asked the Vice President to undertake a negotiation with the company to see whether it would be possible to acquire their interests so that their investment would be realized, and the mine would not go forward. As a result of those negotiations, an agreement to do that has been reached.

Mrs. CUBIN. I don't see how that's relevant.

Mr. FRAMPTON. It's the right solution. The UN has nothing to do with that.

Mrs. CUBIN. I don't see how that is relevant in any way. At the time that you invited the UN to come in—and, by the way, who paid for them to come in?

Mr. FRAMPTON. Who paid for them?

Mrs. CUBIN. Who paid the expenses?

Mr. FRAMPTON. The UN paid for them. I don't know who paid for them. It was not the United States Government.

Mrs. CUBIN. At the time they came in, they were invited in. The EIS process was proceeding, and none of the actions of the President were in play.

My point is, to manipulate a system that has worked in the past, so that you can achieve your desired goal, may help you this time, but the next time, it's going to hurt. So, follow the procedure that's in place. Don't politicize it, and then if the procedure or policy doesn't work, change it. But don't manipulate it in between. My time is up.

Mr. Young, did you have questions?

The CHAIRMAN. Madam Chairman, I have questions. You have to go, so I'll take the Chair when you leave.

Nina, were you involved in the Yellowstone process?

Ms. SIBAL. Mr. Chairman, not personally in the process of September, but I was at the Berlin meeting in December of '95, which took a decision on the question of putting the Yellowstone Park on the Heritage endangered list.

The CHAIRMAN. What was the criteria of putting it on the list? What evidence were you presented to put it on the list?

Ms. SIBAL. Mr. Chairman, would you permit me to read just two paragraphs from the committee's report?

The CHAIRMAN. Sure.

Ms. SIBAL. Because this, I think, will also cast some light on this question of the EIS process that Mr. Jones spoke about.

The CHAIRMAN. Yes, go ahead.

Ms. SIBAL. This is the World Heritage Committee meeting in Berlin in December, 1995, which took the decision to put Yellowstone on the danger list. And I'm quoting from the official report.

It said, "The representative of the United States further noted that the State party is taking a number of positive steps to address key issues. The National Environmental Policy Act, NEPA, requires a thorough and detailed Environmental Impact Study, EIS, of the nine proposals by a multinational corporate consortium. At

the moment, nine possible alternatives are being considered. The EIS draft is expected in late January, 1996, and further public and government review will last another year."

He stated that "the State party does not consider action by the committee to be an intervention in domestic law or policy. The State party agreed to keep the committee fully informed with respect to actions taken. During the site visit—" this is the site visit of the World Heritage Committee of which you have spoken, Mr. Chairman—"it became clear that threats to the Park were ascertained in relation to endemic Yellowstone, cutthroat trout, as well as with respect to the sewage leakage and wastes contamination in certain areas of the Park."

Other issues were related to road construction and year-around visitor pressure. In addition, "potential threats included impacts on the quantity and quality of surface and groundwater, and other past and proposed mine related activity. A potential threat to the bison population is related to proposed control measures to eradicate brucellosis in the herd. The State party noted that all of these concerns would be thoroughly analyzed and mitigation measures and management plans developed as appropriate. Corrective actions will be taken as necessary."

The CHAIRMAN. OK, I don't need to hear any more. But what I was asking you was, other than nice words—someone wrote that—there is no evidence—was any evidence presented to any of the members of that committee, any biological evidence, any scientific evidence, other than just words?

Those words were written by the Sierra Club. I'd say that right up front. Or George Frampton, one or the other. I mean, you talk about—the matter is, the watershed, George, you know, goes away from the Park. It's an underground mine. We heard all that testimony.

But my point is, what—again, I want to stress this—do you have biologists, do you have scientists, Nina, on the UN committee, to take and make these identifications, or are these just words?

Ms. SIBAL. Mr. Chairman, the committee refers to the IUCN, which is an NGO dealing with conservation of natural sites, which provides expert recommendations.

The CHAIRMAN. But the recommendation is just words. Have they backed it up with any scientific research? Do they have a copy of the EIS?

Ms. SIBAL. I will have to check this, Mr. Chairman.

The CHAIRMAN. You check that and I will check the dates because it concerns me a great deal that in fact you were sold, your group, a bill of goods by those that have been selling a bill of goods to the American people. There's no scientific information about this. There's nothing to back it up. In fact, if we had the—

By the way, George, where is the EIS statement? It was supposed to be out in January of '96.

Mr. FRAMPTON. The Draft EIS has never been published.

The CHAIRMAN. Why not?

Mr. FRAMPTON. Well, it was delayed—

The CHAIRMAN. By the Administration?

Mr. FRAMPTON. [continuing]—through this past spring and summer, not by the Administration, actually the State of Montana and

the Forest Service are the lead parties, but basically was delayed because of analysis, more analysis that had to be done. It's never been published.

The CHAIRMAN. The gentleman—Paul?

Mr. JONES. I'm Paul Jones.

I had a personal telephone conversation with Mark A. Simonich—he's the Director of Environmental Quality in the State of Montana—less than a week ago.

He described to me the meeting that was called by the Department of Interior on the 3rd of July in this city, Washington, D.C., to discuss the problems with the EIS.

This (the EIS) was discussed at some length on the 3rd of July. And he wasn't too happy about having to come from Helena, Montana, up here the day before our national holiday. He said the Department of Interior, over many years, and the EPA raised a series of questions about the EIS, all of which, in his opinion, had been adequately covered in the last three or four months, prior to this July meeting.

There was a meeting two weeks later in Denver of the agencies involved in preparation of that EIS, and at that meeting all but two issues were resolved.

One issue was the issue of the language description, not the data, on how water quality would be treated after the mine was closed.

The other issue, the Corps of Engineers needed some more data, which Crown Butte Mines agreed to furnish this summer, on wetlands issues.

He said, other than that, after the meeting in Denver, all issues of the EIS had been resolved. He said all issues that were brought up, as problems by the various Federal agencies, including Interior, had already been addressed.

The CHAIRMAN. What I'm going to suggest, and I'm asking officially, Mr. George and everybody else, I want that EIS statement as far as it's gone. Because the way I interpret it is, if in fact the President's proposal to buy this out is trying to kill the project, that has to go through this Congress.

Not only the appropriated money, but the authorization has to go through this Congress. So I'm going to request that the EIS be reported to this Committee.

Mr. FRAMPTON. Well, Mr. Chairman, the EIS, I can certainly transmit that request to the Forest Service. They're the lead agency with the State of Montana in preparing the draft.

It isn't any secret that the Park Service, USGS, EPA, and others have had serious concerns over the last year about the adequacy of the EIS.

The process, as I understand it, has been suspended because the company has decided that its preference is to sell its interests.

The CHAIRMAN. That's the Administration side, that is not necessarily the Congressional side. That is the UNESCO side, that's not necessarily the Congressional side.

Now I want to ask all of you a question, and some of you agree with me.



Mr. FRAMPTON. Well, sir, it's the company—it's an agreement with the company. The company does not wish to go forward with the project.

The CHAIRMAN. The company right now, we're talking about process now, Mr. Secretary, we're talking about process. You've circumvented the process. The President circumvented the process. That's the thing we're upset with, and you've used UNESCO as part of that process. You've used that as an example.

Now internationally, this has been set aside. And that is not the role of this Administration or the Bush Administration or the Reagan Administration. And by the way, you say you sent me a letter. I can't recall seeing it, but I want to know where the rest of them were.

Do you have records of that too?

Of the ones for Noatak and the ones for Wrangells, and one for Denali and one for, let's see, Noatak, Denali, Gates of the Arctic, do you have records for that too?

I'm going back to the records.

Mr. FRAMPTON. If you're referring to—

The CHAIRMAN. The notifications to the Congress.

Mr. FRAMPTON. [continuing]—that I made when you were out?

The CHAIRMAN. Yes.

Mr. FRAMPTON. Mr. Chairman, that the statute enacted by Congress in 1980 and the regulations require that at two points in the process that this Committee be notified of every proposal for World Heritage.

The CHAIRMAN. Then what is your objection to this Committee acting on that?

Under the Constitution, Mr. Secretary, don't you believe in the Constitution?

Mr. FRAMPTON. I do believe in the Constitution.

The CHAIRMAN. Don't you believe that we have the only right to designate a buffer zone?

Mr. FRAMPTON. Well, the World Heritage site designation doesn't designate buffer zones.

The CHAIRMAN. But you do. You do. You're trying to do one now in the Ozark, is that true?

Mr. FRAMPTON. No, in fact it's—

The CHAIRMAN. How about Carlsbad?

Mr. FRAMPTON. Well, let me comment on that because I heard the gentleman here from the County Commissioner, testify that there is local concern about a 600-acre buffer zone being imposed.

The CHAIRMAN. Not 600 acres, it's much larger than that. It's 600,000 acres.

Mr. FRAMPTON. That's what he stated.

The CHAIRMAN. Six hundred thousand acres.

Mr. FRAMPTON. Six hundred thousand acres?

The CHAIRMAN. Yes.

Mr. FRAMPTON. Well, I don't know where that comes from.

What I do know is that the Park Service has, it's been a park since 1930. The Park Service has no intention or authority of imposing any buffer zone around Carlsbad National Park.

But I think it's interesting that in 1993, this Committee reported out and this Congress actually enacted a 6,000 acre buffer zone north of the park.

The CHAIRMAN. Wait a minute. Was it signed into law?

Mr. FRAMPTON. Yes, it was.

The CHAIRMAN. The buffer zone was signed into law?

Mr. FRAMPTON. Public Law 103-169, the Lechaguilla Cave Protection Act of 1993.

The CHAIRMAN. That was one when I wasn't Chairman?

Mr. FRAMPTON. That's correct.

The CHAIRMAN. And thank God for that because it would never have gotten out of this Committee.

[Laughter.]

The CHAIRMAN. I'll tell you that. That gives you some example of what we can and cannot do.

Mr. FRAMPTON. I'm not suggesting you voted for the bill, Mr. Chairman. But the point is Congress did in fact act to deal with some perceived threats to the cave system there from oil and gas drilling.

That is the appropriate way to create a buffer zone around a park. There's nothing about the World Heritage designation—

The CHAIRMAN. You're suggesting to me now that this Administration, your Department, which used to be involved with another private organization that believes in total wilderness, that you're not going to propose any buffer zones around any of these parks without the consent of this Committee?

Mr. FRAMPTON. The Park Superintendent in Carlsbad has been trying to assure local residents that there is neither any intention nor any authority to impose any buffer zone around Carlsbad as a result of the World Heritage designation, or as far as I know, for any other reason.

The CHAIRMAN. What I'm saying is, has he contacted the local people? Has he contacted my good friend back there, the Board Chairman? He says he hasn't.

Mr. FRAMPTON. There was a County Commission meeting. I think the gentlemen's testimony, written testimony actually contains that. There was a meeting of the County Commissioners or Committee of the County Commissioners to discuss this concern this past spring. But people are nervous that, you know, the U.N. is coming.

The CHAIRMAN. As I said, I'm not worried about the U.N. part of it, as I'm worried about you and this Administration using the U.N. definition to implement the buffer zone under the, like you did in Yellowstone. You can say that didn't occur. It did occur.

By the way, Dean, do you believe Congress should have a role in this? You're a public servant for 42 years, take great pride in that.

Do you believe that we have a role in this Heritage and this Biosphere deal?

Mr. BIBLES. I won't address the World Heritage issue, only in terms of the Biosphere Reserve, many of the areas include private and other lands other than just the public lands involved.

In terms of designation or if it was a withdrawal from any of the uses under the terms of various acts of Congress, there would be

a requirement to come to the Congress in terms of recognition or pulling together a group of people.

And I agree very much with Dr. Rabkin. Rarely do people sit around and just have a good time and it's all friendly. It's usually very controversial. People come to the table with very different opinions, but under the umbrella of the Biosphere approach, it's a way that people can sit down and solve their own problems.

The CHAIRMAN. What is wrong—in your testimony you said you were against the bill. Mr. Frampton said he was against the bill. Now what is wrong with the Congress being involved in the process other than just notification?

What you do now is say, hey, we're going to do this. We're going to make a buffer zone or an international deal, and you don't have anything to say about it.

What's wrong with us having something to say about it?

After all, we, under the Constitution,—now if it's private, that's between private people and I don't care, that's up to you guys—but when it comes to public lands or the effect upon private lands, the 60-some odd landholders around Carlsbad, if they're not considered or they're not given all the consideration, then I think we've lost sight of this whole thing.

Does anybody disagree with me on that?

Mr. FRAMPTON. Can I respond to that, Mr. Chairman?

The CHAIRMAN. Sure.

Mr. FRAMPTON. I think in the case of World Heritage sites, there is a notification process that the Congress itself adopted from 1980 and gives the Committees an opportunity to review these before they're ever nominated.

With respect to the Man In the Biosphere Program, it's a little bit different because these things don't happen without State, local, and private initiative in the first place.

So, I think it, you know, the Olympics is an international program but Congress doesn't have to approve the terms of Atlanta's bid.

The CHAIRMAN. That's a different story. We are talking about—I had four witnesses up here previous who said they were never notified, there was no public input to the agencies involved.

Now are you calling them liars?

Mr. FRAMPTON. I'm not sure any of them were talking about the Man In the Biosphere Program.

The CHAIRMAN. The World Heritage program?

Mr. FRAMPTON. Without local support, it doesn't move forward.

In other words, suppose, as is the case in Kentucky with the Mammoth Cave, you have counties and private landowners and the State want to join the Man in the Biosphere Program in part to get funding or technical assistance or scientific help from other sites. Should they be prevented from doing that because Congress won't let landowners, States and counties?

The CHAIRMAN. Private landowners, that's not the argument. That's where you come in, is public lands. That's what I'm worried about. You know, you put a chicken in the chicken house.

And by the way, Kathleen, do you have comment?

Ms. JACHOWSKI. If I could be recognized, I would like to say something about this buffer zone and the Department of Interior.

The CHAIRMAN. Go ahead. And then I'm going to have Helen ask some questions, and I'll be quiet.

Ms. JACHOWSKI. I want to say this because I was one of the Americans in that Yellowstone situation last September, and I spoke before it. And it is specious for the Department of Interior to try to distance themselves from the role it played in that EIS situation in Yellowstone.

They flew the United Nations delegation around over the area prior to the public hearing, so to speak, which was done on Monday or so, to look at the Crown Butte Mine situation.

The Department of Interior at Yellowstone National Park and Superintendent Mike Finley were intimately involved in that.

I, myself, spoke as regional geographer, as a single American. And the reason I did that, Mr. Chairman, was it was very clear that if you were not as green as you could be, you would never be allowed to speak. If I hadn't been what I am, which is many things, a member of the Wyoming Research Providers Coalition, a member of Park-County Multiple Use, would I have been allowed to speak?. My partner spoke as the president. I spoke as an American. The clearing on that was unbelievable. We were given, you said your name, they said we will call you back in the evening.

After I spoke and after Mr. Childers spoke, Superintendent Mike Finley got up and said, I want to address my comments directly to Mrs. Jachowski and Mr. Childers because he did not like me opening my mouth as an American and saying, I lay this insult of the United Nations being brought here not inappropriately but prematurely because of the environmental impact statement, I lay this insult at the feet of the Department of Interior.

There was absolute involvement and intent in the Department of Interior to sway that EIS, Mr. Chairman. And the buffer zone language is in there and it reads, whenever deemed necessary, and it was their job to come and find a reason to deem necessary and use a smoke screen of trout, if you will.

But the truth is it was manipulation of the National Environmental Policy Act.

Thank you.

The CHAIRMAN. Thank you, Kathleen.

Mr. Frampton, you have one minute to rebut.

Mr. FRAMPTON. I wasn't there. I'm sorry.

The CHAIRMAN. You weren't there but your people were there. That's the thing, that's the problem with our Congress today and our agencies. You keep forgetting the people and that's why the revolt is still occurring.

By the way, doctor, you're a professor. You don't raise your hand. I just wish more people listened to what you have to say because that is what this government should be about is the concept of sovereignty. We hear a lot of that in Alaska, believe me.

Dean?

Mr. BIBLES. Yes, if I could finish the question you asked, why I raised the issue of process.

The CHAIRMAN. I apologize.

Mr. BIBLES. Under the current process, through the Man in the Biosphere Program, when local groups with local governing bodies submit a nomination, it's handled by the U.S. National Committee,

which is comprised of some 15 representatives, some 15 Federal agencies, but also others than Federal and not just university people.

And at that point, it goes on through the process if its approved.

My concern about the legislation, the way I understand it, is that this would put it into something similar to the Wilderness Study process where it would have to go all the way through all of the multitude of agencies over to the White House and recommend it over here, which then moves it to a national agenda, and takes it away from the local people.

If it were some method, like as in the law on the World Heritage, which required notification and the Committees could make an action that they chose to, then I would not have the problem.

I'm concerned. I've been involved too many years with studies that took us 15 years to get all the way up. So it's that process that I was concerned about.

I did want to mention, I know the Catskills was mentioned this morning and when that nomination came in by a group to the U.S. National Committee last year, I noticed it did not have any of the county or city elected officials signed onto it. And the National Committee, at my recommendation, returned that back to the Catskills to get that, and that is about the time that the public thing started. But it was going nowhere because it did not have those, and I feel very strongly that the local county commissioners—

The CHAIRMAN. Dean, my time is up. Can I ask why hadn't that occurred, what was wrong with the agencies. Why hadn't they made the effort to have the public input?

Mr. BIBLES. In this instance, it was some local groups, it was not an agency. There was no agency per se that was pushing that particular one.

The CHAIRMAN. Was it an environmental group?

Mr. BIBLES. It was some groups, and I'm not, I don't know the people up there but they sent it in. It was a bunch of local people that thought they were doing well, but they did not have that participation.

The CHAIRMAN. I apologize to the lady. But you're up now, Helen. I apologize. I got carried away there.

Ms. CHENOWETH. Thank you, Mr. Chairman.

Dr. Rabkin, I'm interested in knowing, you made a comment about black helicopters and people flying in to take over the park?

Dr. RABKIN. Some of your constituents, I think.

Ms. CHENOWETH. Did you ever hear anyone talk about black helicopters?

Dr. RABKIN. Do I want to?

Ms. CHENOWETH. No, I'm just asking you specifically where you heard about individuals flying in black helicopters to take over the national parks.

Dr. RABKIN. There were articles in the press in which people in environmental organizations were characterizing the opponents or the critics of the World Heritage Committee, and the environmentalists were saying that these people are worried about the black helicopters.

I don't know whether anyone was really worried about black helicopters. If someone is, maybe they do live in Montana, but I'm sure it's not one of your important constituents.

Ms. CHENOWETH. I'm not from Montana.

I appreciate your bringing it up because this is such an important issue that I don't want it to be clouded.

Dr. RABKIN. I absolutely agree with you.

Ms. CHENOWETH. I appreciate your bringing it up, doctor.

You work at Cornell in the Department of Government?

Dr. RABKIN. Yes.

Ms. CHENOWETH. And you teach?

Dr. RABKIN. Yes.

Ms. CHENOWETH. What courses do you teach?

Dr. RABKIN. International law, constitutional law, American political thought. In the past, I've taught administrative law and courses about Federal regulation.

Ms. CHENOWETH. Have you ever published anything with regards to the relationship between treaties and constitutional law and which has higher authority?

Dr. RABKIN. I've published some things which touch on this. I think it's very clear that the Congress, if it wants to, can override a treaty. That isn't the issue.

But it seems to be so, there are important court cases which say that if there is a treaty, that Congress has broader powers to implement the treaty than it would otherwise have. And that is something worth noticing in this context.

If we have a treaty like the World Heritage Convention, we are implicitly authorizing Congress to take legislative measures to implement that treaty, and it may well be that something which Congress otherwise wouldn't be able to do, it is now able to do because it says we're not exercising one of our enumerated powers but we are implementing this treaty. We are obligated or could be obligated to do this as a matter of international comity.

Ms. CHENOWETH. I want to thank you.

I would like to see some of your publications on that.

Thank you very much.

Dr. RABKIN. Sure. Thank you.

Ms. CHENOWETH. Mr. Chairman, I want to know, was C-SPAN notified to cover this hearing?

The CHAIRMAN. We notified all the press we could, and they laugh at me about this, you know? It's an unfortunate thing. This is one of the issues I think that should be exposed for what it is and see why we can't be involved in it.

Whether you agree or disagree with Heritage or Biosphere, I still think that Congress has a role. I don't even think UNESCO, under their Charter, they expect local input, they expect all these good things, and that has not occurred.

And I'm picking on Mr. Frampton but he's not the only one in this ball game. There're other people. This has been going on since Richard Nixon. It's just that people didn't pay any attention.

I think it's just time we bring this to the people's attention, but they didn't want to cover it.

Ms. CHENOWETH. Thank you.

And of course I think it's odd that none of the Members of the minority under whose watch this occurred is here today, so—

I have a lot of questions, Mr. Chairman. I may need to come back after you talk about it or ask more questions.

I want to ask Ms. Sibal, could you tell me what a State party is?

Ms. SIBAL. Yes, ma'am.

There are 146 States that have ratified the Convention, the World Heritage Convention, and each of them counts as a State party.

Ms. CHENOWETH. What are the States?

Ms. SIBAL. Oh, you're asking me what is the definition of "nation"? I'm sorry.

Ms. CHENOWETH. No. In the publications, we refer to State parties. Someone refers to State parties. Who are the State parties?

Ms. SIBAL. The member countries that have ratified.

Ms. CHENOWETH. So the United States of America, under your view, is considered a State party?

Ms. SIBAL. Ma'am if I can clarify. The whole designation is State Party to the Convention.

Ms. CHENOWETH. Let me ask Mr. Bibles, you were mentioning, you were nodding your head yes, the United States of America within this framework is considered a State party?

Mr. BIBLES. Yes, I think in the context of these treaties, the State party would be the nation that has ratified and becomes a party to a convention is referred to as a State party, that being that nation.

So Canada, if it ratifies, would be a State party. That nation would be referred to as a State party. All of the others. It's different from the States, our individual States.

Ms. CHENOWETH. Mr. Bibles, can you understand the concern of the American people when we know the United States of America is the finest country in the world. We are the most benevolent country. We have led the world in peace. We have restored countries that were harmed greatly in war.

This is the finest country in the entire world and you refer to us as a State party? I find that reprehensible, not against you personally.

But against the entire concept. You know, this cuts to the heart of the sovereignty issue. And no wonder people are concerned, just by definition. We are a member State of some larger organization.

And I wanted to ask Ms. Sibal, in your comments, you mentioned a document entitled the Seville Strategy for Biosphere Reserves?

Ms. SIBAL. Yes, ma'am.

Ms. CHENOWETH. Let me ask you first, now you work for UNESCO, or you represent UNESCO, and you live and reside of course in New York, right?

Ms. SIBAL. That's right.

Ms. CHENOWETH. And you, for the record, yes or no, you work for UNESCO?

Ms. SIBAL. Yes.

Ms. CHENOWETH. All right. Now didn't the United States of American withdraw from UNESCO in 1984 because of gross financial mismanagement?

Ms. SIBAL. Yes, indeed, the United States withdrew from UNESCO in 1984. The reasons were, I think, several.

Ms. CHENOWETH. I find it odd. I mean, you personally are always welcome, but why is UNESCO being represented before this Committee when this nation, this government withdrew from UNESCO?

I don't mean this personally, but I find this very bizarre. We either withdrew and meant it in the Reagan Administration, or we didn't withdraw.

Ms. SIBAL. Yes, indeed, you withdrew, ma'am. But I was formally invited by Chairman Don Young, to be present here today, to submit a written testimony and to be present at the hearing this morning. I was given a time and a designation place to send exhibits, and I was given a place to arrive at.

Ms. CHENOWETH. And again, I want to say with all due respect, you personally are always welcome. I just don't understand how, when we withdraw, we are now receiving testimony from an organization we withdrew from.

Mr. FRAMPTON. If I could help, I believe President Reagan made a decision specifically to continue to participate in the Man In the Biosphere Program because of the positive benefits of the program to our country.

So even though the program in the U.N. is administered by UNESCO, there was explicit policy decision made to continue to participate in this program.

Ms. CHENOWETH. I wonder if you could get to me in my office the documentation of how we withdrew, what we retained. Would you mind doing that, Mr. Frampton?

Mr. FRAMPTON. I think between Mr. Bibles and I and the Department, we can do that, yes. We'll respond in writing.

Ms. CHENOWETH. Thank you very much.

Now with regards to the Seville document that you referred to, I am looking here on page 7, oh, excuse me, I am looking on page 6 of the document.

Goal number one says that to improve the coverage of natural and cultural biodiversity by means of the World Network of Biosphere Reserves, and it states at subparagraph number 1:

"It's recommended at the international level that you promote biosphere reserves as a means of implementing the goals of the convention in biological diversity."

Is that true?

Ms. SIBAL. You have got it correctly.

Ms. CHENOWETH. To promote biosphere reserves as a means of implementing the goals of the Convention on Biological Diversity. Do you see it there on page 6?

Ms. SIBAL. Yes, indeed, ma'am. This is the first of those listed on page 7 of the Seville Strategy as recommended at the international level.

Ms. CHENOWETH. Yes, and you know I'm on page 6, don't you?  
[Pause.]

Ms. SIBAL. This is page 7.

Ms. CHENOWETH. I'm on page 6, the page before that.

[Pause.]

Ms. CHENOWETH. Let me give you a minute to review it.



Ms. SIBAL. I see it now on page 6 in the text.

Ms. CHENOWETH. OK.

To promote the biosphere reserve is a means of implementing the goals of the Convention on Biological Diversity.

Ms. SIBAL. Indeed.

Ms. CHENOWETH. But we haven't, we haven't ratified that Convention, have we?

Ms. SIBAL. No, ma'am, you have not ratified that Convention.

Ms. CHENOWETH. On down toward the bottom of page 6, we're looking under Objective 1.2, to Integrate Biosphere Reserves Into Conservation Planning. It states, "to encourage the establishment of transboundary biosphere reserves as a means of dealing with the conservation of organisms, ecosystems and genetic resources that cross national boundaries."

Ms. SIBAL. I see that.

Ms. CHENOWETH. And do you believe that does or does not impose on a nation or a State's sovereignty?

Ms. SIBAL. Is the question whether I see this as an infringement of sovereignty?

Ms. CHENOWETH. Don't you think that is an imposition on the States' or the nation's sovereignty?

Ms. SIBAL. The site, ma'am, does not cross into anyone else's jurisdiction. It stays with the country that hosts where the reserve is located. This is an exchange of information.

Ms. CHENOWETH. This is an exchange of information, but it has no application under the law, right? Under the treaty?

Ms. SIBAL. There is no treaty. There is a statutory framework which you will find at the end of the pamphlet which contains the civil strategy. This was a statutory framework that was evolved and accepted—

Ms. CHENOWETH. I thought we were operating under the Convention on Biological Diversities.

Ms. SIBAL. No, not at all.

Ms. CHENOWETH. That's what your document states?

Ms. SIBAL. This does not operate under the Convention, but if I might just clarify that there is indeed no contradiction between the Convention and biological diversity and this particular strategy for the reason that the Biological Diversity Convention essentially covers three points.

The first one is the conservation of biodiversity, the second point is the sustainable use of biological resources, and the third point is the sharing of benefits derived from biological resources.

Ms. CHENOWETH. I thank you very much. I think your answers are extending way beyond my question.

Ms. SIBAL. I'm sorry.

Ms. CHENOWETH. And I don't, I don't want to interrupt you unnecessarily but I do want to make sure that we stay within the timeframe.

I'm looking on page 4, at the very bottom where at the middle it says the Seville Conference concluded with the following ten key directions were identified by the Conference and are the foundations of the new Seville Strategy. OK?

Under number 6, at the very bottom, it states, "extend the transition area to embrace large areas suitable for approaches such as

ecosystem management and use of biosphere reserves to explore and demonstrate approaches to sustainable development at the regional scale, and for this, more attention should be given to the transition area."

So this does include ecosystem management, right? One of the ten key directions established in the Seville Conference?

Ms. SIBAL. Yes, indeed.

Ms. CHENOWETH. OK. And also on the top of page 7, number 4, it states that it is the intention to link biosphere reserves with each other.

Correct?

Ms. SIBAL. Yes, indeed.

Ms. CHENOWETH. OK. And so, as I understand it, the listing of an endangered species or something that is set aside under a certain ecosystem management or the use of biosphere reserves or heritage areas, the goal is to link them, right? According to the Seville report?

Ms. SIBAL. One of the goals is to link various biosphere reserves which exist around the world, and there are 307 of them.

Ms. CHENOWETH. But on the bottom of page 4, where I quoted item number 6, it talks not only about biosphere reserves, but about ecosystem management and the approaches for all of them.

And so it would appear that there may be a plan that is set forth in this Seville document to link all of these areas?

Ms. SIBAL. Ma'am, if you will permit me, may I refer the question to the Director of our Man In Biosphere Program who is here today?

Ms. CHENOWETH. Certainly.

Ms. SIBAL. His name is Dr. Lasserre.

Dr. LASSERRE. Thank you very much.

I present very shortly myself, and excuse me for my poor English which is like at times Franglais.

I'm French and I'm a university professor at the University of Paris. I have a background in ecology and I have the Chair at the University of Paris on Marine Ecology.

So I've been working with UNESCO for the last four years. I knew the MAB activities in Ceylon, and for me as my colleague from Cornell, this model biosphere program, whatever is the title, I don't like very much the title itself, ma'am, is a little bit sexist program.

[Laughter.]

Dr. LASSERRE. So we want to change that, and I hope it will be more than just changing the word people.

But coming to your question, madame, I think the objective of the whole system is not really to create something which is outside of the country. It's really an exercise that the scientists themselves encourage very much. And we have done that, and we have done that as long as 25 years ago.

We've had a lot of cooperation with the most distinguished institutions of the United States of America, like the Smithsonian Institution, like the National Science Foundation, the U.S. Academy of Sciences, many, many universities. And I should say the only scientists are trying to understand better how the systems work as an ecosystem work, OK?

And what we discover, you know, recently was that there is no way of controlling the ecosystem without any involvement of the local population. That we agree completely with you.

This is a strategy or an operational plan. It is not a legal text, it's just a program for scientific investigation. And what we want to do is have a series of experiments done in the real field and to stop a little bit the blah, blah, blah, you know, which is so useful in academic situations and universities and to see what we can do.

So I think this program has many merits. It has a fault and the fault probably comes from the fault of communication with the local people.

I spent 12 years in a very small village in France as a director of a very prestigious marine biological laboratory in France. Just like Woods Hole.

And I think it's unbelievable, you know, when the directors of such marine institutions can speak with the local people, with the mayors, with all the parties.

So to answer your question, this is not a political game for us. It's a scientific venture. We just want to say one thing to finish.

The United States of America, most institutions are helping me, in fact, as the director of this program, to build in fact on American leadership; increasing integrated, I should say, ecosystem management in propagating innovative actions in the developing world.

We are working very closely with the Smithsonian Institution, with Conservation International and many others including universities in part to serve this idea of cooperating with local people in connection also with the democratic system between the people.

And this is, as you know, difficult outside of this country.

Ms. CHENOWETH. Mr. Lasserre, let me state my question in a way that we can get a yes or no.

You are a very impressive man and I see that there are a lot of very impressive organizations working on this. But yes or no, does the Seville document indicate, as I have read, that ecosystem management areas or biosphere reserves and various other areas will be linked as stated on the top of page 7 in item number 4?

Link biosphere reserves with each other and other protected areas through green corridors and in other ways which are not explained, that enhance biodiversity conservation and ensures that these links are maintained.

That looks pretty clear to me, so?

Dr. LASSERRE. Yes.

Ms. CHENOWETH. Yes. Your answer is yes?

Dr. LASSERRE. But, madame, I should say yes and no. It's a matter of discussion for the future. If this doesn't work, our answer will be no.

Ms. CHENOWETH. I think it speaks for itself, don't you think so, Mr. Lasserre?

Dr. LASSERRE. No. I think my answer is yes for the moment.

Ms. CHENOWETH. Thank you very much.

On page 7, —

And would you please stay at the table in case you're called on again.

I was directing my question at Nina Sibal. On page 7 of this document, in the middle of page 7, under recommended at the national

level, Item number 3, is to establish and strengthen or extend biosphere reserves. Now that's to establish, strengthen or extend biosphere reserves to include areas where traditional lifestyles and indigenous uses of biodiversity are practiced including sacred sites and/or where there are critical interactions between people, whatever that is, and their environment, such as periurban areas, degraded rural areas, coastal areas, freshwater environments and wetlands.

So all of this, in addition to biosphere reserves and ecosystem management areas are also included, right?

Ms. SIBAL. Yes, ma'am.

Ms. CHENOWETH. Which means areas in our cities and our coasts?

Ms. SIBAL. There is a list which you have read correctly, as examples.

Ms. CHENOWETH. Pardon me?

Ms. SIBAL. You've correctly read the examples that are listed.

Ms. CHENOWETH. I am reading the examples from your report?

Ms. SIBAL. Yes, ma'am.

Ms. CHENOWETH. That you referred to.

I have just a couple of other things that I wanted to talk to you about.

Your statement emphasizes the goals of involving local citizens in the decisionmaking process for these designations.

On page 4 and 10 of your statement, you cited the following quote from the "Operational Guidelines of the World Heritage Treaty."

That quote, "participation of local people in the nomination process is essential."

But what you didn't mention is that according to that same paragraph, from that same document, the process should be kept as quiet as possible, nor should the public input prejudice decisions by the World Heritage Committees.

In fact, a complete paragraph that you quote, in part, reads, quote, "in all cases as to maintain the objectivity of the evaluation process and to avoid possible embarrassment to those concerned State parties should refrain from giving undue publicity to the fact that a property has been nominated for inscription pending the final decision of the Committee ..." that's the World Heritage Committee ... "of the nomination in question. Participation of the local people in the nomination process is essential to make them feel a shared responsibility with the State party in the maintenance of the site, now the maintenance of the site, but should not prejudice future decisionmaking by the Committee."

I think that's a bit chilling and I would ask you or Mr. Bibbes or Dr. Rabkin, do any one of you know who Abdul Waichuchiren is from Thailand? Who is that?

Ms. SIBAL. Mr. Waichuchiren was the representative of Thailand in the World Heritage Committee and last year, he was Chairman of the World Heritage Committee. I am sure in fact that he was one of the four-member team that visited the Yellowstone site.

The CHAIRMAN. And I want to refer you to the Billings Gazette, Billings, Montana, it's 110th year of its publication, it's number 130 of that year.

It stated that the President of the World Heritage Committee said he is inclined to suggest that the international panel urge the United States to expand Yellowstone Park to encompass millions of acres of national forest that surround it.

He's quoted as saying, certainly the forest areas around Yellowstone belong to the same ecosystem, and then he finishes his quote by saying, "all these lands must have protection so that their integrity is not threatened."

Now I find that kind of telling in the face of Mr. Frampton's testimony that nothing here is going to impact on our private property or our land use.

I just think that this issue needs to be opened up to the public, Mr. Frampton.

And I think that we need to do away with the hysterical, political comments like former Governor Ann Richards from Texas has made in my State. And we just need to come together and sit down and lay the facts on the table and let the people know.

I am appalled that the committee, who is the overall committee of this party State, according to them, has this kind of power and would suggest that our people be kept in the dark.

Mr. FRAMPTON. Well, I agree with you a hundred percent that we need to do away with hysterical political statements.

[Laughter.]

Mr. FRAMPTON. The point that I was making was that the World Heritage Committee and the World Heritage Convention have no impact on our land use and our sovereignty. In fact, I'm very pleased that Mr. Ebell is here today because if there's any organization in the United States that might find some threat to our sovereignty from these conventions, it would be his.

And I was very happy to hear him confirm that these conventions do not in fact limit in any way, private, Federal, or State land use.

So whatever a member of the committee has to say about the Yellowstone ecosystem has no impact on the way we manage public lands through the Forest Service or the Park Service or other Federal agencies in the Yellowstone ecosystem.

The question of the integrity of the area and the management of Forest Service lands has been an issue for ten or 15 years, but those issues are addressed through interagency cooperation, strategy and planning by the Federal agencies concerned in the case of Federal land managers, not by any comments that may be made by someone from Thailand or from the World Heritage Committee.

Ms. CHENOWETH. Mr. Frampton, have you heard this member make any political statements in just asking if the Seville document doesn't carry what I was reading, political statements?

Mr. FRAMPTON. Not at all. I agree with you that the Seville document speaks for itself.

Ms. CHENOWETH. I think it does.

With regards to no impact, what about the Crown Butte mine? Isn't that a direct impact?

Mr. FRAMPTON. Absolutely not.

Ms. CHENOWETH. Absolutely not.

I think the facts add up that it looks like it's a direct impact.

Mr. FRAMPTON. I disagree.

I think that the President's actions, public record is perfectly clear that the President was responding to his own briefings and tour and made his own decisions about the right result here, and I think it's, you know, a great victory that we were able to work out a consensual agreement with the company to buy out their interests, protect the park and the rivers in the area from possible significant impacts from a mine.

It has nothing to do with the U.N. or the World Heritage designation or the visit of the committee.

Ms. CHENOWETH. I think it has direct impact and who briefed the President, who were the parties who briefed the President on his decision?

Mr. FRAMPTON. I don't know. It wasn't me.

But I know that last summer, and the summer before this past summer, the President agreed to a meeting, had a meeting with environmental groups and other local people in Jackson.

Ms. CHENOWETH. But could you state for the record that there was no one involved at all from any international committees in the briefing of the President?

Mr. FRAMPTON. I would be absolutely stunned to find that among the environmental groups or local citizens in the Jackson area who talked to the President last summer on vacation was someone from an international organization, but I can't say of my own knowledge that there wasn't.

Ms. CHENOWETH. Now you listed the Yellowstone National Park area as a World Heritage area in danger in response to whose letter?

Mr. FRAMPTON. The committee in December of 1995, is that correct, placed the site on its list of sites in danger in response to their own site visit and reports.

Ms. CHENOWETH. Now you're trying to tell this Committee that the world organizations, such as the World Heritage Committee does not have that much impact on agency decisions yet?

Mr. FRAMPTON. I'm trying to say that it has no impact on agency decisions, and no impact, in this case, on the President's decision, and no impact on the EIS process.

Ms. CHENOWETH. What about a letter that you drafted June 27th, 1995, in response to Bernd von Droste's request stating that clearly there are threats to World Heritage values. Now this letter was directed to you March 6th of 1995. Mr. Von Droste's letter states, clearly, if there are threats to World Heritage values, the State party, meaning you and the United States of America, has a responsibility to act. They are directing this nation to act.

And if enabling legislation is not adequate, new legislation should be considered, as was the case in Australia with respect to a Heritage site.

You responded, June 27th of 1995, and listed, in response to this letter, listed the Greater Yellowstone area as an area in danger. A potential danger, you wrote in your letter, to the values of the park and surrounding waters and fisheries exists and the Committee should be informed that the property, as inscribed on the World Heritage list, is in danger.

You did that, didn't you?

Mr. FRAMPTON. I don't have the authority to list any of the sites.

What happened in this case was that environmental groups wrote to the committee and asked them to consider putting Yellowstone on the international list as a site in danger.

The letter to me requested that we make a report and an analysis of that.

And I wrote back saying that we would not do that.

His letter made it clear that they had the authority to place Yellowstone on the list, as they do under the Treaty, with or without the consent of the United States and with or without a visit to the site, and asked for us to make a report.

I thought it was inappropriate at the time for us to make a report because we were in the middle of the EIS process, and that's what my letter back to him said. We're not going to undertake the job of making a report and an analysis on your recommendation. We are relying on the EIS process. We don't know whether our concerns will be taken into account in the EIS process.

And I suggested that if they were going to consider listing it, that they ought to come to the United States and make their own investigation, and in the course of doing that, talk to all parties; the mining company, the Park Service, State and local officials, the environmental groups that had written to them, and others.

And that's what they did, which of course they had the authority to do whether I had suggested it or not, since we're not in the business of barring foreign visitors from Yellowstone.

Ms. CHENOWETH. Mr. Frampton, in your letter that you and I are both referring to, you state, The Secretary of Interior and the National Park Service have clearly expressed strong reservations with the New World Mine proposal.

Mr. FRAMPTON. That's correct.

Ms. CHENOWETH. And then you went on to——

Mr. FRAMPTON. And they had.

Ms. CHENOWETH. [continuing]—to say that we believe, we believe that a potential danger to the values of the park exists and that it is in danger?

Mr. FRAMPTON. That's correct.

Ms. CHENOWETH. OK. And that's what precipitated a lot of this action with regards to Crown Butte.

Mr. FRAMPTON. This was several years into the public controversy about the mine. And I don't believe that my letter precipitated any action by President Clinton.

Ms. CHENOWETH. I think that you under-estimate yourself, your humility.

Mr. FRAMPTON. Thank you, Madame Chairman.

Mr. EBELL. Madame Chairman, could I add to Assistant Secretary Frampton's comments since he's cited me as an authority?

Perhaps I could make what I hope will be accepted as an authoritative statement about the Yellowstone affair.

It is a misunderstanding to think that the World Heritage Committee leaned on the Clinton Administration to take some action in the New World Mine.

The Clinton Administration made a decision some time ago that they didn't want the New World Mine project to go ahead regardless of the laws of the United States and of Montana.

How do you stop it?

You stop it through political pressure.

How do you gin up public pressure against that project?

They found various ways of doing that. One of them was to call in the World Heritage Committee which, on the basis of a very cursory examination of the situation, then voted to declare Yellowstone a World Heritage In Danger Site.

Now, there are two keys here. One is make sure that the committee acts on the basis of very poor scientific information. Make sure that the input is very poor and one-sided.

And two, use the committee's involvement or visit and its decision to list Yellowstone for publicity purposes. Make the public aware that Yellowstone is a World Heritage In Danger Site, so that the Administration can then go ahead and soften up public opinion and soften up the company that owns the New World Mine so that you can then go in and say, well, let's make a deal.

That's how they stymied this project. They first turned public opinion against the project, and the World Heritage Committee was used as a tool of that process, it was not the initiating source.

And I hope Assistant Secretary Frampton will accept that as an authoritative description of how that came about.

Mr. FRAMPTON. I would not accept that as accurate, authoritative or accurate description.

In fact, by the time the committee acted, the President had already instructed that we seek to negotiate with the company to see whether a mutually agreeable resolution of the entire issue could be worked out, and it has been.

Ms. CHENOWETH. I really want to thank this panel for all of your—Ms. Sibal, I want to get back to you—but as the Chairman said, we have not been leaning unduly on the U.N.

What we are doing is asking our representatives of the Administration how this happened, how a decision to list or to recommend that Yellowstone is in danger when the EIS hadn't even been produced yet, I think these are unanswered questions that need to be answered.

And certainly I would not presume as to who the President looked to with regard to his visit or any decisions he may make. This is a fact-finding Committee and we're simply asking questions.

I'm not sitting in the Chairman's chair, but I'd like to call on Mr. Pombo.

Mr. POMBO. Thank you.

I just had a couple of questions of the panel.

Mr. Frampton, just to clarify in your statement, you say that H.R. 3752 would unnecessarily encumber successful land management efforts.

Which successful land management efforts would this bill encumber?

Mr. FRAMPTON. Well, we had quite a bit of discussion this morning about the fact that the Man In the Biosphere Program is basically a grass roots program.

Collections of organizations, local governments, stakeholders, don't by and large participate in the program unless there's a lot of local support.



If those groups that want to participate in the program in the future can't do that without congressional legislation, then it's likely that in many cases, that won't happen.

Mr. POMBO. What authority do they have over land management efforts? Is there Federal law that gives them authority to——

Mr. FRAMPTON. Who is "they"?

Mr. POMBO. The group that you just talked about, the Man In the Biosphere?

Mr. FRAMPTON. No.

Mr. POMBO. So under whose authority are they operating under to manage land?

Mr. FRAMPTON. They don't manage land.

Mr. POMBO. Well, then which successful land management efforts would——

Mr. FRAMPTON. I'm talking about the land management efforts of private landowners and Federal agencies and State agencies who take advantage of the program for technical assistance, for scientific funding, for communication with other sites for education in places ranging from the Smokies to, you know, the Pacific Northwest.

Mr. POMBO. So under whose authority are they operating under to——

Mr. FRAMPTON. The authority of U.S. laws. Under what authority does a private landowner manage his land?

Mr. POMBO. I'm not, I'm not following exactly what you're saying because either they have authority or they don't.

Further on in your statement, you say that the United Nations does not have any authority to affect Federal land management decisions?

Mr. FRAMPTON. That's correct.

Mr. POMBO. I would agree with that statement that they don't, but you also say that this bill would encumber successful land management efforts, and I think those two statements are contradictory because either they have authority and this would stop it, or they have no authority and this is clarifying that they do not have authority to manage lands within the United States.

Mr. FRAMPTON. Well, I think you're misunderstanding my language, or perhaps my testimony wasn't very well drafted or felicitous, but the point is that these programs have been very successful for local grass roots efforts, counties, States, Federal land managers, private landowners to cooperate in ways that enhance their collaborative management of their own individual lands, and the program has been a success.

There are no problems with the program.

There are no violations of our sovereignty with the program.

And for Congress to be involved in this is likely to make this a top down, bureaucratic and much less effective and inefficient program.

That's what I was trying to express in my testimony.

Mr. POMBO. Why do you feel that has to be done either at a Federal level or an international level instead of at a local level?

Mr. FRAMPTON. It doesn't.

Mr. POMBO. If it truly is a grass roots property owner driven effort, then there is no Federal or international statute which should

be necessary for them to do that. And if you just eliminated that Federal or international effort, if it's truly driven by the grass roots, if it's truly driven by the local and the private property owners, they could do that without the Federal or the international—

Mr. FRAMPTON. Well, there is no Federal statute, there is no international treaty. It's basically a technical assistance, educational and scientific program providing assistance and communication and helping to link together people who are addressing common problems in different parts of the country and the world so that they can learn from one another.

Mr. POMBO. I don't see how the prohibition on that would impact—you know, your rhetoric or what you're saying does not necessitate us having this kind of a program in order to make it work.

Mr. FRAMPTON. The bill would prevent, the bill would prevent private landowners, local governments, and States and Federal agencies from taking advantage of the benefits of this program if they wanted to unless Congress passed a statute.

We think that's unnecessary.

Mr. POMBO. I think you're mischaracterizing what the bill would do. Either you're mischaracterizing what the bill would do, or you're mischaracterizing what the organization does. Because if it truly is local and grass roots-driven, they don't need congressional approval.

Mr. FRAMPTON. But the bill would require congressional approval. That's the point. That's exactly my point. It makes it a top-down Federal congressionally-controlled program instead of a grass roots program. That's what—

The CHAIRMAN. Will the gentleman yield?

I can modify that and say if the Congress does not object, it automatically becomes. But if we do object, it's dead. What's wrong with that?

Mr. FRAMPTON. Well, I think that would be either a notification process which in effect gives the Committees the chance to weigh in on a potential World Heritage—

The CHAIRMAN. And that's what we want to do. That's our authority.

Mr. FRAMPTON. [continuinng]—which is already in existing law. That's the process that was set up.

The CHAIRMAN. But that's not the way it works. Go ahead.

Mr. FRAMPTON.—would not be objectionable.

Mr. POMBO. And just to follow up on that, Mr. Frampton, in the first panel, we had one county commissioner who testified that they weren't even notified that this was happening, that the private property owners, the local elected officials had no knowledge that this was even going on until after it had already happened.

In at least that one instance, and on panel three, there's two other local elected officials that will testify, if it's locally-driven, why are these people saying that they had no knowledge that this was going on, if that's the case.

Mr. FRAMPTON. We've been discussing the Man In the Biosphere Program. I heard the testimony. The testimony was by a county commissioner in the county in which Carlsbad Caverns National

Park is located, and he was speaking of the designation of the park as a World Heritage site.

I'm not familiar with what the process was there except that I know that the application for designation, which of course was in the Federal Register, and the committees were notified, went on over a period of years, and my understanding is that this was a subject that was in the local newspapers quite a bit over a period of years.

Whether there were meetings or briefings, I have no knowledge. I heard his testimony.

Mr. POMBO. Well, I obviously don't know if it was in their local papers. I would assume that somebody who is a county commissioner from that area at least picks up the paper and would notice something like that.

Mr. FRAMPTON. I would assume so too.

Mr. POMBO. Mr. Frampton, I'd also like to have your comment on something. A World Heritage Committee member, Robby Robinson, on the McNeil-Lehrer News Hour, made the following statement:

"Yellowstone is a very special place in terms of the National Parks Movement, we as National Parks administrators, regard it as a shrine. This is where the worldwide national park system started. Therefore, I personally think that the World Heritage Committee has to look at it irrespective of the process that is going on in the United States."

How do you balance that with maintaining our control our sovereignty over our decisions as to what happens?

Mr. FRAMPTON. Well, they were looking at it with respect to the process of whether they would list it as a site in danger, which they did. That has no impact on our land management standards or decisionmaking.

Mr. POMBO. And it didn't change or impact, it made no difference?

Mr. FRAMPTON. I do not believe President Clinton was influenced one way or another from the course of action he had already undertaken to try to see if we could negotiate a buyout with the company.

Mr. POMBO. Ms. Sibal—

Dr. RABKIN. Excuse me. I've got to go catch a plane, so thank you very much for inviting me.

The CHAIRMAN. Thank you, doctor.

The gentleman from California, how much longer are you going to be?

Mr. POMBO. I just wanted to ask her to respond to that in terms of what Mr. Frampton is saying that it makes no impact, it doesn't influence their decision whatsoever.

How would you respond to that?

Ms. SIBAL. Thank you, sir, for asking that question, because I've been wanting to tell Congresswoman Chenoweth about this particular section in the report of the World Heritage Committee which exactly goes to this point.

In Berlin is where in December 1995, the World Heritage Committee took a decision to put Yellowstone Park on the list of World Heritage In Danger.

And I just wanted to read what I read earlier, but another paragraph on this.

It said. "During the discussion it was noted that whether the State party should grant a permit to the mining company or not is entirely a domestic decision of the State party," that is, of the United States in this case. It was further stated "that there is no wording in the convention or the operational guidelines which could lead to an interference in sovereignty. We are very cautious on this point."

And then the last paragraph, which actually sums up the decision that was taken by the committee: "On the basis of both the ascertained dangers and potential dangers, the committee decided that Yellowstone National Park be placed on the list of World Heritage in Danger, and that the committee should request continuing reports on the result of the EIS, and mitigating actions being taken to ensure, in due course, the removal of the site from the list of World Heritage in Danger." Thank you.

The CHAIRMAN. Well, again, though, it goes back to—the EIS has been killed by this Administration. I mean, there's no further reports. It's that simple. I would like to excuse the panel at this time, because there's another panel that has to come up. One of the persons, if they have not left already—I apologize. They may have already left.

Ms. TANTILLO. I'm still here.

The CHAIRMAN. OK, good. We'll take Rob Gordon on, and then George McGowan.

The CHAIRMAN. I'll have the Honorable Fawn Tantillo now. OK, would you please take the stand? You'll be the first witness up.

I thank the gentleman from California. I apologize, but I know that there's some planes to be caught here.

Ms. TANTILLO. I appreciate your helping me out here.

The CHAIRMAN. Have we got all three up here? One of them looks like he had an accident before he got here.

OK, Fawn, you're up.

#### **STATEMENT OF HONORABLE FAWN A. TANTILLO, ULSTER COUNTY LEGISLATURE, NEW PALTZ, NY**

Ms. TANTILLO. Thank you very much.

Well, my name is Fawn Tantillo, and I'm a county legislator in Ulster County, New York, and I'm here to support H.R. 3752 as a real godsend. I currently serve on the Ulster County Legislature's Environmental and Consumer Affairs Committee. I'm a member of the New York State Area 48 Deer Management Task Force, and the New York State Forest Practice Board.

Ulster County is the home of the Shawangunk Mountains, the gateway to the Catskill Mountains, and we're at the very heart of the Hudson Valley. I've enclosed a County Guide in my testimony to give you a better picture of Ulster County. It's also the home of the John Burroughs Society, and legend has it, it was a favorite visiting spot of naturalists like John Muir, Henry Thoreau, and Teddy Roosevelt. We shelter the Ashokan and Roundout Reservoirs that are keystones to New York City's drinking water.

Agriculture has always been our mainstay, but it's easy to understand why we attract thousands of tourists every year, and tourism

has become our largest growth industry. According to figures from State and Federal surveys, sportsmen alone spend over \$40 million annually in our county, and that's quite a bit for us. We believe in the wise use of our resources for all our citizens, and we do not advocate an elitist, preservationist agenda that would lock up these resources.

Ulster County is still recovering from the downsizing of IBM and the loss of thousands of jobs. This was a genuine economic disaster for our county.

With the help of Governor Pataki, we're beginning to turn things around, but it's important for you to understand that Ulster County wants to maintain the careful balance that we have achieved in conserving natural resources, at the same time embracing new development.

This was threatened on December 15, 1994, when an application was submitted for designation of the Catskill region as part of a UNESCO Biosphere. This was done without the knowledge or consent of the Ulster County Legislature. I would certainly hope that UNESCO would consider us a stakeholder in all of this.

In fact, on July 14, 1994, before the application was submitted, the Ulster County Legislature went on record and passed Resolution Number 200, which I have attached, reinforcing our desire to retain a strong home rule over our lands and waterways, and actually opposed any further takeover by outside interests, including the Federal Government Heritage areas.

We were assured by the advocates of this application that it was merely an honorary designation—all of the things you've heard today—that it would enhance tourism, make us eligible for grants. However, we soon began to hear words like "re-wilding," "core areas," "eco-region."

We began to learn that we would have nothing to say about how this Biosphere was set up or regulated, and that some Biosphere core areas are actually depopulated. I could give you an example of that when I finish my testimony.

Our efforts to unravel the proposal were frustrated by having questions answered in environmental double-speak, much of which I've heard here today. When we asked for guarantees that our parks and open space would remain open to traditional land uses like hunting, fishing, hiking, and camping, we learned that this Biosphere designation could actually replace our endeavors toward conversation with outside preservationist influences.

As at public information session that we, the legislature set up to try to find out what was going on, it was clear that the vast majority of people of our county were alarmed and angry that outside groups with questionable motives were threatening traditional land uses, property values, and home rule.

This is unacceptable to the majority of the people that I represent, and I believe it's unacceptable to most Americans. Our State Senator, Charles Cook, was also equally alarmed, and I've enclosed his letters and newspaper articles where he requested this be removed.

I believe it was, in part, because of this outrage that the sponsors ultimately have pulled the application, but it's still out there. It's ironic that the very reason this area is being considered was be-

cause the local people have done a great job in protecting it and conserving the natural resources over the years. By maintaining this strong balance between protecting our natural resources and inviting the rest of the world to come share it with us, we're going to be pushed out of the formula for its protection.

I believe that H.R. 3752 would correct this situation. It reinforces home rule, yet it leaves the door open for UN Biosphere designation, when we, the people of the United States, feel it's in our best interests. Like other recent decisions discussed here today concerning UN command of U.S. troops, and UN insignia being worn by United States forces, it recognizes that there may be times when it's in our best interests, the best interests of the United States, to join forces with the United Nations.

But we should always reserve our right to self determination. H.R. 3752 protects the individual and private interest because it addresses some very realistic concerns. I truly believe that for any conservation effort to develop into a long-term plan, it must have the support and involvement of the people who love the land and have a personal stake in its future—I mean a personal stake in its future.

Outside legislation and control that gives no voice or power to the people that are affected is doomed from the very start. I certainly urge everyone to support H.R. 3752.

The example that I referred to about—I was surprised to hear Mr. Frampton say that he knew of no restrictions associated with UNESCO, and of no problem. I didn't copy this, but I could certainly make it available.

In 1991, the Wo-Long Nature Preserve in Tibet saw the forced evacuation—it's a UNESCO Biosphere—it saw the forced evacuation of the Tibetan people. Farmers that had farmed land for generations were forced off their farms. If these people were doing anything to harm the Panda Bear, which is the reasoning that they gave to move these people, the Panda Bear would have been extinct a long time ago.

We are certainly stakeholders in all of this, and we are the people who know what's best for our community. I was very alarmed when this whole thing first came up, the way we heard about it through the rumor mill, when I was first approached by sportsmen saying, what is this going to do to hunting on State land? And there's a lot of private land. This is not Federal land. This is State and private land in the Catskill Park and the Mohawk Preserve.

I said, you know, they can't do something like what you're talking about. That's not possible. It couldn't possibly happen. And when I discovered that it was a very real possibility, we were shocked and alarmed.

And we really were left out of this entire loop. I made several attempts to contact UNESCO directly. I could not get any information from them directly. We invited them to come to our informational hearing and explain to us what they were about, and no one came.

[The prepared statement and materials of Fawn A. Tantilla referred to may be found at the end of hearing.]

The CHAIRMAN. Thank you, Fawn. I want to suggest one thing. The reason I'm having these hearings is because I'm very con-

cerned about our sovereignty and our control over our lands. I am also very concerned about this Administration and their implications.

I have said perfectly clearly that there have been other Administrations equally as bad. And that doesn't make it right.

Ms. TANTILLO. I agree.

The CHAIRMAN. It's a subversive type action they do. They say, oh, this isn't going to hurt. The check's in the mail. Don't worry about it.

People get lulled into this idea, and then all of a sudden, you wake up and your people are lost. And so I compliment you as an elected official, in making them aware. Continue to do that, not only supporting this legislation.

We can stop anything if there's an awareness, but, unfortunately, there hasn't been that awareness.

Ms. TANTILLO. And it seems like there's a deliberate effort to keep people unaware.

The CHAIRMAN. Absolutely. And then it's until it's too late. It's always that we've got to worry about the Panda Bear, or we've got to worry about the Goshawk, or we have to worry about something that doesn't exist.

In reality, they take people's lives away from them without any consideration at all, under the guise of the environment and preservation. I just am very, very frustrated that this has happened in the past, and hopefully we can rectify it, and I thank you for your support.

If you do have to leave, you're free to go.

Ms. TANTILLO. Thank you very much. I would be happy to answer a couple of questions.

The CHAIRMAN. I have no questions. I am just very pleased with your presentation.

Maybe Mr. Pombo does.

Mr. POMBO. Just very quickly, Mr. Chairman.

In your statement you say that on December 15, 1994, an application was submitted. Who submitted the application?

Ms. TANTILLO. Some local environmental groups. It was several local environmental groups. When we looked at who they were, they were all actually the same core of people who submitted it. But there were no public officials, to my knowledge.

Mr. POMBO. You also went on to state that "we began to learn that we would have nothing to say about the Biosphere."

What is that statement based upon?

Ms. TANTILLO. Well, we asked, you know, how is this going to be set up? Who's going to control it? Is it going to be another level of management. We kept getting sidestepped that we weren't going to be involved in it. We could not find any documentation to show how we, as the people that were elected to represent the citizens of our county, were going to have anything to say about this.

We were given the impression that UNESCO was going to be another layer of control over this. There was a lot of innuendo. We never did get to the bottom of how a lot of this was going to be done because the application—when there was a tremendous public outcry, the application was withdrawn.

Mr. POMBO. Do you have, as a local legislator, do you have land use authority in your county?

Ms. TANTILLO. In some areas we do. We have a land use plan that was put together. For instance, we're just finishing up one to protect the New York City drinking water supply. Ulster County has probably done more to protect New York City's drinking water, than New York City ever did.

At one point, they even sprayed dioxins around the reservoir to keep the grass from growing, certainly before the dangers of dioxins were known. But they were still storing those dioxins at the reservoir, and it wasn't until I got involved, and people like us—you know, people who cared about the land, got involved to say, if you want to protect all this land, you have to take the first step and get rid of these dioxins.

You have to take—you know, we worked a plan together with a coalition of watershed towns, and the county was involved with that. We've come out with an agreement now that we're all quite happy with. And I think it's going to be a win/win situation for everybody.

But we've been involved in this land protection from the very beginning, as one of the stakeholders, and to protect New York City's water.

Mr. POMBO. Did you feel that your local land use authority was threatened by this designation?

Ms. TANTILLO. Absolutely. And we couldn't get straight answers for exactly what our role was going to be in that. Nobody would tell us we would have a role. So when we were not even involved in making the application, we did make some assumptions that we weren't going to be involved in the management of it, either.

Mr. POMBO. Thank you.

The CHAIRMAN. Before you leave, I think you bring up a very valid point. Maybe what we ought to do with this bill, Mr. Pombo, is that any application to make this a Heritage area or Biosphere area, only can come from the elected officials of a region. To have an interest group propose this and have it considered seriously, is offensive to me, because it means that the people that are there aren't being heard.

I mean, I can go form an organization and suggest that this has got to be a Heritage area or ought to be something else, you know, and it should be the elected officials.

Ms. TANTILLO. It's certainly a land management application that might be perfectly logical in Alaska. It might not work in New York. Something that might—that the people in California might want to have, doesn't apply to Florida.

The CHAIRMAN. It goes back to the comment on sovereignty and independent thinking of areas. I want to thank you. You better catch your airplane.

Ms. TANTILLO. Thank you very much.

The CHAIRMAN. George, you're up.

#### **STATEMENT OF GEORGE McGOWAN, COUNCILMAN, LAKE GEORGE, NY**

Mr. MCGOWAN. Good afternoon, Mr. Chairman. My name is George McGowan. I'm a councilman from the town of Lake George.



I have served as a committeeman in my county for about 20 years, have been a member of the Farm Bureau.

As an elected councilman from the town of Lake George, my township is entirely within the Biosphere Reserve. The Biosphere Reserve also encompasses the home of Congressman Gerald Solomon, who vehemently supports this bill, H.R. 3752, and vehemently supports the sovereignty of the United States.

The designation came by stealth. I recently mentioned to the chairman of our board of supervisors of this matter concerning UN designation, and he looked at me like I had two heads. In a brief poll of other county legislators—we have a different system. Our supervisor serves as a legislator as well from the townships. Not one that I talked to was aware of this.

The Biosphere will cut across State boundaries, and it will cut across international boundaries. This concerns me because then the regional jurisdiction will no longer have input by the people who are elected from the people.

When they talk about grass-roots, I see that as baloney, because when you create an entity which doesn't exhibit the will of the people, it's almost an oxymoron; it's doubletalk. The documentation concerning the Biosphere Reserve, some of it is almost Orwellian. You can't—the words don't mean what they say.

I'm often reminded when Jean Kirkpatrick, having been refused admission to several of the committees at the conference in Rio, came back with the statement that sustainable development was simply a scam for redistribution of the wealth.

We in the Adirondacks have a non-elected entity for land use planning, much like the Biosphere Reserve, and it's called the Adirondack Park Agency. The Agency has been marked by 20 years of acrimony, denoted to their non-adherence to the rule of law, arbitrary executive rulings, always at the behest of the most severe of the environmental groups.

What's interesting about this is that in UNESCO's literature, the Adirondack Park Agency is their designated hitter, and their man in charge is a man whose name is Edward Hood. He works for the Adirondack Park Agency.

This is never mentioned publicly, but he is their man, and the Adirondack Park Agency does their bidding. What's very disconcerting to me is you have now a State person who works for the Department of State, who has sworn allegiance to this country, who is now serving as an entity for an alien power. And that's exactly the way I see it, though that may not be the exact written word.

Earlier, when Congresswoman Chenoweth spoke of UNESCO and the United States withdrawing their support for fiscal mismanagement, I seem to remember that UNESCO, the feeling was that the support was withdrawn because they were virulently anti-American and pro-Communist as well. It's amazing that we would even—we would allow them to be in the same house.

This restricted land use designations from the Adirondack Park Agency recently came down to one of their proposals which was one house per 2,000 acres zoning. The interesting thing is that when you take the Adirondack Park Agency's overlay maps, they coincide perfectly with the futurist Biosphere Reserve core areas.

The disconcerting thing in the literature from the Biosphere Reserve is that the core area will eventually allow no permanent human habitation. As one of those habitators, I will tell you that I will go less than willingly. Homeowners, farmers, and loggers will be more than a little irritated when they learn of their planned eradication.

Sometimes hoisting someone on the petard of their own words is a good idea. In a UNESCO publication, which is Volume XX No. 4, there is a quote, and I will quote it to you. It says "Biosphere Reserves provide the catalyst to marshal government agencies to provide perspectives on use and management problems."

Well, translated into English, this statement means that local and State agencies will disseminate their politically correct information and become the enforcers. How interesting that will be, that a foreign entity will call the shots, but it will be your neighbors. All of this will pit neighbor against neighbor, and it's all by calculated design.

Item 30 on the same page states that security for Biosphere Reserves should be assured through legal instruments. Where protection does not exist, it should be developed. The developing of a legal instrument for security. Anyone can see that means an enforcement arm. The only thing with an enforcement arm is accountable to whom?

I see I'm close to the end of my time, so I would propose, in closing, a question. When completely informed, what citizen would believe this to be anything but a UN management and control plan? What citizen, when the green camouflage is cut away, cannot see that the Biosphere Reserve is anti-American, and an end-run around our national sovereignty. Thank you.

Mrs. CHENOWETH. Thank you very much for your testimony. I appreciate that. Next, I'd like to call Rob Gordon, Executive Director of the National Wilderness Institute in Washington, DC.

[The prepared statement of Mr. George McGowen may be found at the end of hearing.]

#### **STATEMENT OF ROB GORDON, EXECUTIVE DIRECTOR, NATIONAL WILDERNESS INSTITUTE, WASHINGTON, DC**

Mr. GORDON. Thank you, Madam Chairman.

I'd like to thank you for this opportunity to present the views of the National Wilderness Institute on the effect of international land use designations, and personally congratulate the Chairman for introducing H.R. 3752.

Last year, an issue of our magazine was about land use in America. We included several maps showing the extent to which land is owned by government agencies, or the extent to which it's regulated under some Federal environmental law such as Wetlands or Endangered Species.

While although our readers were often surprised by the size and extent of these federalized areas, they were at least aware of the programs behind them. Other maps that we included showed UN Biosphere Reserves, World Heritage areas, and RAMSAR sites, and brought a different response. Many people, including Members of Congress, called for information about these designations and said that they had never heard of these programs.

Clearly, these programs have gone on too long without public scrutiny. Although it's been around for 25 years, and the Assistant Secretary has claimed that it is a project supported by the grassroots-up, few people have really heard of the United Nations Biosphere Reserve Program.

Yet this program's recently released strategic plan reveals an ambitious agenda of land use plans, strategic planning, and control. The plan states, quote, "As the number of participating sites grows, so will the opportunities for the sites to coordinate their authorities and capabilities for applying ecological principles to regional conservation and development."

This program is not just a government planner's wish for power in the future. Their document says, quote, "The plan is intended to be substantially implemented during the next decade, with support from U.S. Man and Biosphere member agencies, private organizations, and an expanding community of Biosphere Reserve stakeholders."

According to the strategic plan, each Biosphere Reserve includes one or more securely protected areas, managed use areas where experimental research, educational activities, public recreation, and various activities occur according to ecological principles, and zones of cooperation for managing agencies, scientists, non-governmental organizations and others, to educate one another in the process of linking conservation, economic development, and cultural values.

The World Heritage Committee was established under the Convention Concerning Protection of the World Cultural and Natural Heritage. According to UNESCO, the treaty's, quote, "primary mission is to define the worldwide natural cultural heritage, and draw up a list of sites and monuments considered to be of such exceptional interest and such universal value that their protection is the responsibility of all mankind."

The Convention thus assumes and affirms the existence of a world heritage which belongs to all mankind. The World Heritage Committee draws up the list of sites, which may—and these are the criteria which may seem quite wide—quote, "may exemplify a State and earth's evolutionary process, or be representative of biological evolution, or contain the natural habitats of endangered animals, be a scene of exceptional beauty, a spectacular view, or a reserve for large numbers of wild animals."

UNESCO also states that when a site or monument is on the list as seriously and specifically endangered, it may be put on to a complementary list which provides for emergency measures. Now, despite the Orwellian language, it's hard not to conclude that these designations carry with them an agenda that is alien to fundamental American values.

To make these international programs conform to the higher standards set by the founding fathers for American government, I suggest, at a minimum, add a few reforms. First, we should add specific property rights protection, similar to the bill that recently passed the House, to areas covered by international designation.

Second, written permission of each landowner should be required before his land is included in such a designation, and landowners should be able to opt out at any time at their sole discretion.

Third, people in affected communities should have a right to know of any consideration being given to designate any part of their neighborhood. There should be no secrecy in these programs, even for preliminary, pre-decisional material, and attorney work products.

Fourth, there should be a clear line of responsibility so a landowner can find out who has the authority to decide issues affecting his land.

Fifth, to demonstrate that these programs are not malignancies for which there is no cure, we should unilaterally remove the designation from some area presently listed.

To be candid, I should say that what I would really like to see, and what I think would really be best, is to withdraw from all of these programs, so that people closest to the resource could make environmental decisions without interference from less informed, remote pressure groups. They are a waste of taxpayers money and should be abolished.

But short of that, it is important to establish the precedent of unilateral withdrawal, even if only to serve as a check and balance against those who might abuse power. I realize that proponents of these designations claim they are merely benign and honorary titles with no regulatory power. If that's true, they should not object when we decline the honor.

Programs imposed from afar almost never work in practice. The people on the scene usually have more specific knowledge, and are best able to devise appropriate solutions. One of our most respected conservation thinkers, Aldo Leopold, observed that to be successful, conservation programs must have the support of the local people.

How far-seeing he was. These international programs are a giant step backwards. I think people would be better off without them. Thank you.

The CHAIRMAN. I'm going to use my prerogative. I have another meeting to go to, and then I'll let the Chairlady go ahead.

First, George, I talked to your Congressman, and he and I are in accord, and, hopefully, with any luck, he and I are going to be moving this legislation, even before this session is over. We think it's that important.

I don't have any questions. I just can't agree more with what you said, that to have someone question your domicile, and telling you how to live, is against every principle I've ever had, and, I think, against America.

I just want you to know that we are very serious about this. This is not aimed at any one group. It is aimed, though, at the idea that we're a sovereign nation. I do think this Congress has a role, if we're going to any of this activity.

I will say that I do believe that there is a tendency, especially with this Administration—without being partisan—but with this Administration—to believe in the one world concept, if I must say so, the idea that we're all under one roof, instead of separate roofs. I believe that we're under separate roofs, and that's why we're a great nation. We're separate States, we're separate countries, and we're unique in our own right, and we're sovereign.

I can only compliment both of you in your testimony. I would like to say that maybe the best suggestion would be to eliminate this,

like you just mentioned. I don't think we can do it. I know this President wouldn't. But maybe we ought to look at that at a later date, and we'll try to attempt to do so.

I want to compliment both of you and thank you for sticking out with us, because it's been a long day. I do appreciate. Those who are at the last of the witness list sometimes have to put up with the most anguish.

In closing—I do have to leave. We're going to continue this process of finding out if, in fact——

Nina, you're still in the room.

Has your organization—before you leave—ever suggested a Heritage area in the United States?

Ms. SIBAL. Never.

The CHAIRMAN. Yes, that's what I'm saying. We're blaming the United Nations and it's easy to do so. But really what you have to look at is how this act has been used by the Administration. That's what we have to look at. And I say Administrations. This one is worse than others, but others have also used it.

I thank you, Madam Chairman. I do apologize. I want to thank the Members that were here. I do have to go to another meeting, and you can have at it.

Mrs. CHENOWETH. Thank you, Mr. Chairman.

I'd like to call on Mr. Pombo from California.

Mr. POMBO. Thank you. I just have a few questions that I want-  
ed to ask.

Mr. McGowan, getting back to land use decisions. In your statement you say that the local elected officials are rendered impotent in land use planning decisions. What is that based upon? What is that statement based upon?

Mr. MCGOWAN. Where we are, the major decisions in land use planning are made by the Adirondack Park Agency. Local zoning and planning agencies have to take their—the rules that they have, they can be more restrictive, but they can't be less restrictive.

So, even though you may get a permit to build a house in your neighborhood, if it is zoned, for instance, resource management, you are—it is near a wetlands, and basically if you live where we are, it's all wetlands. It could be called streams, rivulets, intermittent streams, or, in some cases, even a tile line in an agricultural field. They become jurisdictional. So then they can, in fact, condition your application to the point of non-profitability or denial.

Mr. POMBO. So if somebody had a piece of property in your area that they had intended on being a retirement home, and they decided that they were going to retire and move out to a less populated area, they would not only have to come to the local city council, the decision as to whether or not they would be able to build a retirement home on their property would have to also be approved by the Adirondack Park Agency?

Mr. MCGOWAN. That's correct.

Mr. POMBO. And in your statement, you contend that the Park Agency has melded its restrictions with the Biosphere Reserve restrictions?

Mr. MCGOWAN. That's correct. That's actually in UNESCO's literature, that the Adirondack Park Agency will be their administrators.

Mr. POMBO. So they've literally taken over the land use planning on the local level, in terms of whether or not somebody can build a retirement home?

Mr. MCGOWAN. That's true. It happens in little ways, and it happens in huge ways.

There have been—one of the techniques is to never deny an applicant. You just never get to the end of your application. There are some people who have been 10 or 12 years in simple applications, and ultimately they either run out of money, or they give up.

Mr. POMBO. So, using my example of somebody building a retirement home on a piece of property that they bought years ago, they may not ever actually tell them no; they just may make it so prohibitively expensive for them to build that retirement home that there's no way they can afford to do it, and in that way, they've restricted their use of their property.

Mr. MCGOWAN. Yes. It's a very interesting thing. We had a famous old 19th century club up where we are that had been bought by the Guinness Corporation, with the promise of bringing 200 jobs, year around jobs to maintain it as a world class resort.

After spending \$3 million on their application, one of the criteria was that grass clippings from the golf course had to be removed outside the Park. No one could make up anything that fantastic. There were 300 conditions, and when they finally took care of those, they were given another 180, and that's when they gave up the application.

Mr. POMBO. You're saying that they had to remove grass clippings?

Mr. MCGOWAN. That was one of the criteria, and it was done for environmental reasons. They said that—the APA said that because pesticides would be used on a golf course, that would have to be judged to be removed outside the Park.

Now, there were many other conditions. And they led them down the primrose path, and they never had any—there was never any hope that they would be granted a permit to build—to rebuild and restore this old club. And, as I said, they spent \$3 million on an application, and ultimately went to Vermont, the State of Vermont, and bought another old hotel complex there called the Equinox.

Mr. POMBO. You heard previous testimony both by Mr. Frampton and others, that this in no way impacts local land use decisions; that these are all locally driven. Private property owners, local elected officials, local people, get behind these and push these international designations through. Are you familiar with all the local private property owners and elected officials who drove this one?

Mr. MCGOWAN. I can tell you that there was a meeting that was scheduled by invitation only for the Biosphere Reserve, and it was held in Vermont. And a few landholders like myself attempted to go.

When we arrived at the meeting, they had a little bit more of a crowd than they had anticipated. We were not of the groups that they intended to be there—Nature Conservancy, Audubon, Sierra Club, and so on. Governor Dean canceled the meeting.

Apparently, the consensus that was to be received and released by press release, could not have happened with that. They would

not tolerate dissent. And that's the most graphic example of non-grass-roots.

To say this is a grass-roots upwelling to want a Biosphere Reserve is the most patently ludicrous statement I've ever heard.

Mr. POMBO. I'm somewhat familiar with some of the problems you've had in your area in terms of property, private property, the difference between our States being that your State has very little federally owned property, and half of mine is owned by the Federal Government.

So we have somewhat different problems, but if you were to put this up to a vote of the impacted citizens, the people of that area, is it your opinion that this would—to join an international Biosphere region, is it your opinion that would pass overwhelmingly in your area?

Mr. MCGOWAN. It would probably be rejected about nine-to-one. I would say at least nine-to-one. The rancor against the Adirondack Park Agency was so great and directed toward Governor Cuomo, that in other parts of the State, he ran about neck-and-neck, but in the Adirondacks, which is only—it's about 25 percent of the State, but we only have 130,000 people on 4.5 million acres—he was rejected by the voters five-to-one, six-to-one, seven-to-one.

Mr. POMBO. Madam Chairman, I just have one final question for Mr. Gordon.

You're quite familiar with Federal law, Federal policies, Federal regulations. I know you've spent a lot of time understanding what the Federal role should be in all of this.

Do you think that, in your opinion, would it be at all inconsistent with our Constitution, with Federal law, to require that there be some affirmation by the people, whether it be at the Congressional level or the local level, before we join one of these Heritage areas or Biosphere regions or something like that?

Mr. GORDON. No, sir. I think it would be absolutely consistent, at least with the principle and idea of our government, and, from my understanding, also within the purview of the Committee—or purview of this body to do so, and somewhat of an obligation, I think, to make sure that we don't go down the wrong path.

Mr. POMBO. Do you think that by adopting legislation similar to what has been proposed here, that it would have severe impacts on land management, successful land management campaigns that have taken place?

Mr. GORDON. Well, first of all, I'd say that that's kind of a canard. I don't know of any successful land management programs in the United States that are occurring under the UN Biosphere Reserve. You know, the idea that this is some groundswell for creating these things across the country, because they're so successful—I've never met anybody who's petitioned for one of these things.

So people who do that are part of a professional group of people who are involved in the environmental community full time, and they favor more government involvement to less. It's not Joe and Sally Smith down the street who decide, hey, let's make our backyard a Biosphere Reserve. I mean, it's people who do this as a full-time job, and they see the more planning, the better.

Generally, I believe that the more and more we have planning, and the more that planning is removed from the local area, the worse the results are going to be.

Mr. POMBO. Finally, outside of public lands, are you familiar with any Federal statute, Federal authority, that would give this Committee or any other Committee of this Congress, jurisdiction over local land use decisions, as this gentleman has been talking about?

Mr. GORDON. Well, there are innumerable pieces of legislation that assert Federal authority over land use and control, although they're not generally directed to or called land use planning. Just take a look at the Endangered Species Act and the amount of habitat that it affects, or the Clean Water Act and the interpretation of what constitutes wetlands and what that affects.

You know, we have programs like that affect, in fact, tens of millions of acres. In addition to that, you have National Forests, wilderness areas, National Parks, wildlife refuges. We have national natural landmarks. We have wild and scenic rivers. We have Heritage areas, Heritage corridors, National Monuments. Why in the world we need something like this is really questionable. It just doesn't bear any fruit. It's just another layer of bureaucracy.

Mr. POMBO. Thank you.

Mrs. CHENOWETH. I thank Mr. Pombo.

The gentleman from California, Mr. Doolittle, do you have any questions?

Mr. DOOLITTLE. I have no questions.

Mrs. CHENOWETH. I just have one question. Mr. Gordon and Mr. McGowan, I really appreciate your testimony. I'm sorry that all of us have two or three Committee meetings going on at once, and we're trying to go back and forth.

Mr. Gordon, the strategic plan that you cite is published by the U.S. Department of State, instead of UNESCO?

Mr. GORDON. From the Man in the Biosphere Program, I believe it was from the Park Service.

Mrs. CHENOWETH. OK. I would appreciate having a copy of all the publications that you have published on this subject.

Mr. GORDON. I'd be very happy to provide that to you.

Mrs. CHENOWETH. Thank you very, very much. I appreciate the time that you have spent waiting.

I want to remind you, and say for the record that this hearing will remain open for the purpose of submitting additional information for a period of ten working days.

And with that, this hearing is adjourned. Thank you.

[Whereupon, at 2:40 p.m., the Committee was adjourned; and the following was submitted for the record:]



104TH CONGRESS  
2D SESSION

# H. R. 3752

To preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 1996

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Land Sov-  
5 ereignty Protection Act of 1996”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

1           (1) The power to dispose of and make all need-  
2       ful rules and regulations governing lands belonging  
3       to the United States is vested in the Congress under  
4       article IV, section 3, of the Constitution.

5           (2) Some Federal land designations made pur-  
6       suant to international agreements concern land use  
7       policies and regulations for lands belonging to the  
8       United States which under article IV, section 3, of  
9       the Constitution can only be implemented through  
10      laws enacted by the Congress.

11          (3) Some international land designations, such  
12      as those under the United States Biosphere Reserve  
13      Program and the Man and Biosphere Program of  
14      the United Nations Scientific, Educational, and Cul-  
15      tural Organization, operate under independent na-  
16      tional committees, such as the United States Na-  
17      tional Man and Biosphere Committee, which have no  
18      legislative directives or authorization from the Con-  
19      gress.

20          (4) Actions by the United States in making  
21      such designations may affect the use and value of  
22      nearby or intermixed non-Federal lands.

23          (5) The sovereignty of the States is a critical  
24      component of our Federal system of government and

1 a bulwark against the unwise concentration of  
2 power.

3 (6) Private property rights are essential for the  
4 protection of freedom.

5 (7) Actions by the United States to designate  
6 lands belonging to the United States pursuant to  
7 international agreements in some cases conflict with  
8 congressional constitutional responsibilities and  
9 State sovereign capabilities.

10 (8) Actions by the President in applying certain  
11 international agreements to lands owned by the  
12 United States diminishes the authority of the Con-  
13 gress to make rules and regulations respecting these  
14 lands.

15 (b) PURPOSE.—The purposes of this Act are the fol-  
16 lowing:

17 (1) To reaffirm the power of the Congress  
18 under article IV, section 3, of the Constitution over  
19 international agreements which concern disposal,  
20 management, and use of lands belonging to the  
21 United States.

22 (2) To protect State powers not reserved to the  
23 Federal Government under the Constitution from  
24 Federal actions designating lands pursuant to inter-  
25 national agreements.

(3) To ensure that no United States citizen suffers any diminishment or loss of individual rights as a result of Federal actions designating lands pursuant to international agreements for purposes of imposing restrictions on use of those lands.

(4) To protect private interests in real property from diminishment as a result of Federal actions designating lands pursuant to international agreements.

(5) To provide a process under which the United States may, when desirable, designate lands pursuant to international agreements.

**SEC. 3. CLARIFICATION OF CONGRESSIONAL ROLE IN  
WORLD HERITAGE SITE LISTING.**

Section 401 of the National Historic Preservation Act Amendments of 1980 (Public Law 96-515; 94 Stat. 2987) is amended—

(1) in subsection (a) in the first sentence, by—

(A) inserting “(in this section referred to as the ‘Convention’)” after “1973”; and

(B) inserting “and subject to subsections (b), (c), (d), and (e)” before the period at the end; and

(2) adding at the end the following new subsections:

1       “(d) The Secretary of the Interior shall not nominate  
2 any lands owned by the United States for inclusion on the  
3 World Heritage List pursuant to the Convention unless  
4 such nomination is specifically authorized by a law enacted  
5 after the date of enactment of the American Land Sov-  
6 ereignty Protection Act of 1996. The President may from  
7 time to time submit to the Speaker of the House and the  
8 President of the Senate proposals for legislation authoriz-  
9 ing such a nomination.

10       “(e) The Secretary of the Interior shall object to the  
11 inclusion of any property in the United States on the list  
12 of World Heritage in Danger established under Article  
13 11.4 of the Convention unless—

14               “(1) the Secretary has submitted to the Speak-  
15 er of the House and the President of the Senate a  
16 report describing the necessity for including that  
17 property on the list; and

18               “(2) the Secretary is specifically authorized to  
19 assent to the inclusion of the property on the list,  
20 by a joint resolution of the Congress enacted after  
21 the date that report is submitted.”.

1 **SEC. 4. PROHIBITION AND TERMINATION OF UNITED**  
2 **NATIONS BIOSPHERE RESERVES.**

3 Title IV of the National Historic Preservation Act  
4 Amendments of 1980 (16 U.S.C. 470a-1 et seq.) is  
5 amended by adding at the end the following new section:

6 “SEC. 403. (a) No Federal official may nominate any  
7 lands in the United States for designation as a Biosphere  
8 Reserve under the Man and Biosphere Program of the  
9 United Nations Educational, Scientific, and Cultural Or-  
10 ganization.

11 “(b) Any designation of an area in the United States  
12 as a Biosphere Reserve under the Man and Biosphere Pro-  
13 gram of the United Nations Educational, Scientific, and  
14 Cultural Organization shall not have, and shall not be  
15 given, any force or effect, unless the Biosphere Reserve—

16 “(1) is specifically authorized by a law enacted  
17 after the date of enactment of the American Land  
18 Sovereignty Protection Act of 1996 and before De-  
19 cember 31, 1999;

20 “(2) consists solely of lands that on the date of  
21 that enactment are owned by the United States; and

22 “(3) is subject to a management plan that spe-  
23 cifically ensures that the use of intermixed or adja-  
24 cent non-Federal property is not limited or restricted  
25 as a result of that designation.”.

1   **SEC. 5. INTERNATIONAL AGREEMENTS IN GENERAL.**

2       Title IV of the National Historic Preservation Act  
3   Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is fur-  
4   ther amended by adding at the end the following new sec-  
5   tion:

6       “SEC. 404. (a) no Federal official may nominate,  
7   classify, or designate any lands owned by the United  
8   States and located within the United States for a special  
9   or restricted use under any international agreement unless  
10   such nomination, classification, or designation is specifi-  
11   cally authorized by law. The President may from time to  
12   time submit to the Speaker of the House of Representa-  
13   tives and the President of the Senate proposals for legisla-  
14   tion authorizing such a nomination, classification, or des-  
15   ignation.

16       “(b) A nomination, classification, or designation of  
17   lands owned by a State or local government, under any  
18   international agreement shall have no force or effect un-  
19   less the nomination, classification, or designation is spe-  
20   cifically authorized by a law enacted by the State or local  
21   government, respectively.

22       “(c) A nomination, classification, or designation of  
23   privately owned lands under any international agreement  
24   shall have no force or effect without the written consent  
25   of the owner of the lands.

1       “(d) In this section, the term ‘international agree-  
2 ment’ means any treaty, compact, executive agreement,  
3 convention, or bilateral agreement between the United  
4 States or any agency of the United States and any foreign  
5 entity or agency of any foreign entity, having a primary  
6 purpose of conserving, preserving, or protecting the terres-  
7 trial or marine environment, flora, or fauna.”.



## PREPARED STATEMENT OF FRED T. ALVAREZ

Eddy County New Mexico is located in Southeastern New Mexico bordering the State of Texas and covers almost 4,200 square miles (2,677,760 acres) in area. Of this, 60.5% is Federal and 21.5% State leaving only 18% of the total land area in private ownership. Given these numbers, Eddy County is always concerned about any activity that may further encroach on our already limited use of land within our county.

Local government and private citizens are constantly working to preserve what resources we have while still maintaining our local economy. Eddy County has historically been dependent upon agriculture, tourism and extractive industries. Eddy County is the home to Carlsban caverns National Park and also has property from Guadalupe Mountains National Park within our boundaries. Most of the cattle production and Oil and Gas production is dependent upon federal land leases. With this in mind, the increasing growth of the federal government for the management of lands in Eddy County have become an almost endless challenge to keep up with ever changing and growing federal regulations over the use of these lands. Continual updates of area management plans and resource management plans often do not take technical data or public input into account when final recommendations and plans are implemented.

Not only are the increased regulations affecting the use of public lands, they are now beginning to have significant economic effects on the use of private lands. It is becoming impossible to keep up with the increasing level of bureaucracy when trying to address public lands issues.

Consequently, the recent designation of Carlsbad Caverns National Park as a World Heritage Site is beginning to raise some major concerns within our community. It is not that we don't feel this is an honor, but the designation could also be used to forward agendas of groups who may not have the best interest of the citizens in mind.

An example of this is the rumored buffer zone around Carlsban Caverns which has been talked about for several months in Eddy County. Although this has been denied by national Park Service personnel, we have been unable to secure any information to make us think otherwise. Copies of documents such as the "Operational Guidelines for the Implementation of the World Heritage Convention" dated February 1994, and the "World Heritage Treaty of 1972" continually talk about providing for "buffer zones" and additional protection of Heritage Sites. Is the National Park Service not capable of protecting and operating these resources?

If in fact a six mile buffer zone were designated around the Caverns, as has been rumored, it would have a substantial effect on many individuals. this is shown by the following information:

There are over 65 private property owners within six miles of the Carlsbad Caverns boundaries who own 34,795 acres of land. This is 21.8% of the land around the park. (source: Eddy County Assessor)

There are 122,903 acres of federal land within six miles of the Carlsbad Caverns, most of which is managed by the bureau of Land management. This constitutes 77% of the area around the park. If this land were taken out of use, it would affect 33 federally administered gas wells and 1 active oil well. It would also affect 17,500 Animal Unit Months (AUMs) primarily on BLM land. (source: BLM correspondence)

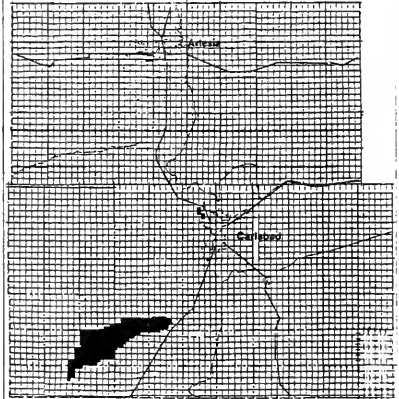
The remaining 1.2% of land is state or local government owned.

It was stated by NPS personnel at a public meeting held February 26, 1996, that they would only use the Site designation if they felt it would further progress for getting what they felt would be needed at the caverns. We feel that this designation would be used to continue the battle to remove the underground lunchroom at the park, among other things.

The local citizens of Eddy County were unaware of the World Heritage Site designation until after it had happened. The lack of understanding as to what authority this has over the park leaves an uneasy feeling with many in Eddy County. In the "Operating Guidelines", Section B-14. it states ". . . participation of local people in the nomination process is essential. . .". However, in the same paragraph, it states "States Parties should refrain from giving undue publicity to the fact that a property has been nominated for inscription." If you have no publicity, how can you get public participation?

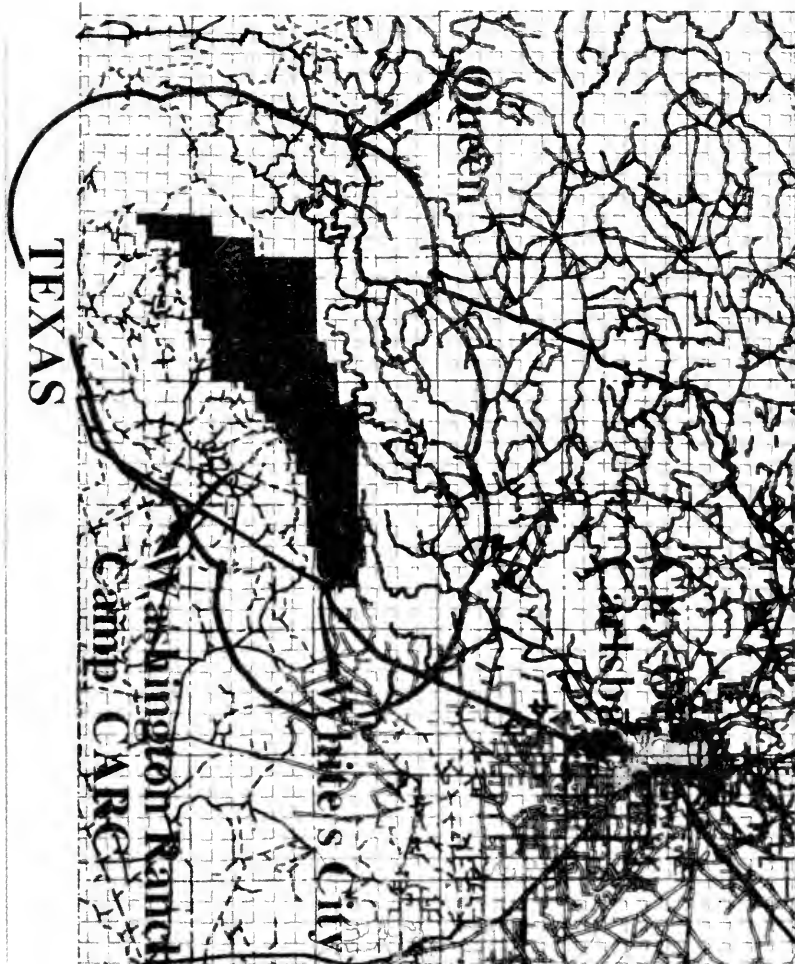
The park was nominated for designation in 1994, designated in 1995 and had it's first public meeting, at the request of Eddy County, in February of 1996. This does not appear to be an open process.

Because of this, the Eddy County Commission supports the legislation assuring local control over public lands for the betterment of present of future generations.



EDDY COUNTY

## OTERO COUNTY



FRED ALVAREZ  
 EDDY COUNTY, BOARD OF COMMISSIONERS  
 September 23, 1996.

*Congressman Don Young  
 Chairman, Committee on Natural Resources  
 U.S. House of Representatives  
 Washington, DC 20515*

RE: ADDITIONAL TESTIMONY ON H.R. 3752 THE AMERICAN LAND SOV-  
 EREIGNTY PROTECTION ACT OF 1996.

T4Dear Chairman Young:

During the legislative hearing on H.R. 3752, held on September 12, 1996, the Assistant Secretary of Interior for Fish, Wildlife and Parks, Mr. George Frampton testified that he knew of no proposal for a buffer zone around Carlsban Caverns National Park (CCNP). He appeared mystified as to how Eddy County, New Mexico citizens and their local elected officials got the impression that there was such a proposal.

Since I had testified on the previous panel, I had no opportunity to reply to this assertion. Attached is a copy of the report by the International Union of the Conservation of Nature (IUCN) to the World Heritage Committee concerning CCNP's qualifications for designation as a World Heritage Site. In Section 3 (INTEGRITY), page 52, IUCN report states:

"The treat that IUCN would underline as serious is the potential for oil and gas exploration along the park's boundaries and the associated construction of transmission and storage areas that would accompany it. The problem has been studied by a panel of geologists who have recommended a "cave protection" zone outside the northern boundary of the CCNP."

The report goes on to say that this information will be communicated to the American States authorities when CCNP is designated as a World Heritage Site.

There was a bill introduced and adopted in December, 1993, to protect the area that covers what is known as Lecheguilla Cave. The "Lecheguilla Cave Protection Act" addresses drilling and exploration on the north end of the CCNP. However, as you can see, the concern of the citizens and elected officials of Eddy County that listing of Carlsbad National Park on the "List of World Heritage" will eventually entail creation by the Federal government of a restricted-use buffer zone around the rest of the Park is very well-founded. As I testified at the hearing, this action would have a devastating impact on our local economy and adversely affect the property rights of out citizens. The fact that the Assistant Secretary and the National Park Service personnel choose to feign ignorance of the request of the IUCN is enough to warrant concern.

I request that this letter and the accompanying IUCN report be made a part of the official record of the September 12, 1996 legislative hearing on H.R. 3752.

Once again, I thank you for the invitation to testify, on behalf of Eddy County citizens, at this hearing.

Sincerely,

FRED ALVAREZ  
 County Commissioner  
 Eddy County, New Mexico

DOCUMENTATION ON WORLD HERITAGE  
PROPERTIES (NATURAL)



Convention Concerning the Protection of  
the World Cultural and Natural Heritage

*Documentation on  
World Heritage Properties  
(Natural)*

World Heritage Committee  
Nineteenth Ordinary Session  
4-9 December 1995 - Berlin, Germany

Prepared by  
International Union for Conservation of  
Nature and Natural Resources  
1196 Gland, Switzerland

2 October 1995

## WORLD HERITAGE NOMINATION - IUCN SUMMARY

## CARLSBAD CAVERNS NATIONAL PARK (USA)

Summary prepared by IUCN/WCMC (March 1995) based on the original nomination supplied by the United States Department of the Interior, National Park Service. This original and all documents in support of this nomination will be available for consultation at the meetings of the Bureau and the Committee.

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## 1. LOCATION

Lies at the foothills of the Guadalupe Mountains, in southwestern Eddy county, New Mexico.

## 2. JURIDICAL DATA

Carlsbad Caverns was first designated as a national monument in 1923 and redesignated a national park in 1930. Approximately two thirds of the area were also gazetted as wilderness in 1978.

## 3. IDENTIFICATION

The park covers an area of 18,926ha and overlies a segment of the Permian fossil Capitan Reef. An extensive cave system has developed within the reef as a result of sulphuric acid dissolution and of the 81 known caves, Carlsbad Cavern is the largest. Exploration of the Lechuguilla Cave has been undertaken only over the past decade and has shown it to be one of the most pristine, extensive and decorated caves in the world.

Vegetation communities range from desert to coniferous forest. Some 800 plant species have been identified, of which three are internationally threatened: Sneed pincushion cactus, Lee pincushion cactus and Lloyd's hedgehog cactus. The faunal inventory includes 64 mammals, 331 bird and 44 herpetofauna species. The caves are noted for their migratory bat species, especially the Mexican free-tailed bat whose population is estimated at one million individuals. Various species of fungi and bacteria growing in the caves are of particular scientific and medical interest.

## 4. STATE OF PRESERVATION/CONSERVATION

Disturbances within the park include permanent damage incurred to speleothems and the cave ecosystem from tourism, decline in bat populations from the use of DDT as well as attempts to eradicate them in Mexico, oil and gas exploration, grazing by trespassing livestock, invasion by exotic fauna and the hunting of puma.

The National Park Service employs 85 permanent and 40 temporary staff and an updated management plan is due to be completed later this year. Separate plans have been prepared for visitor use and research of specific caves, particularly Lechuguilla.

## 5. JUSTIFICATION FOR INCLUSION ON THE WORLD HERITAGE LIST

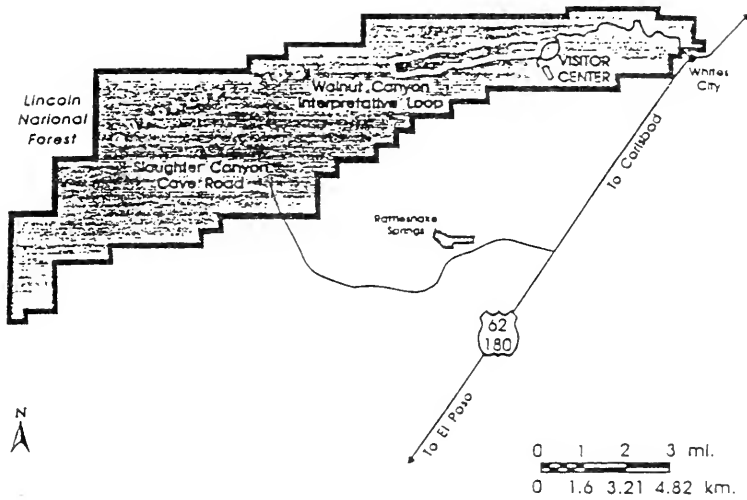
The Carlsbad Caverns National Park nomination, as prepared by the United States Department of the Interior, provides the following justification for designation as a World Heritage natural property:

- (ii) **Contains examples of the major stages of the earth's history and outstanding geological features** The Capitan Reef complex dates back to the Permian period, some 280 million to 225 million years ago. The exposed sections of this reef lying within the park are among the best preserved in the world accessible for scientific study. Geologists are able to study the rock formations not only through cave passages which penetrate the reef but also in exposures uncovered through erosion. Fossils include bryozoans, pelecypods, gastropods, echinoderms, brachiopods, fusulinds, sponges, trilobites and algae.

On-going geological processes are most apparent in the active portions of caves where rare speleothems continue to form. The most notable example of this is in Lechuguilla Cave, where helictites are forming underwater, a process which has never been described from any other cave in the world. Many other rare and unique speleothems such as the world's largest and most diverse collection of bacterially assisted "biothems" have been found within Lechuguilla Cave.

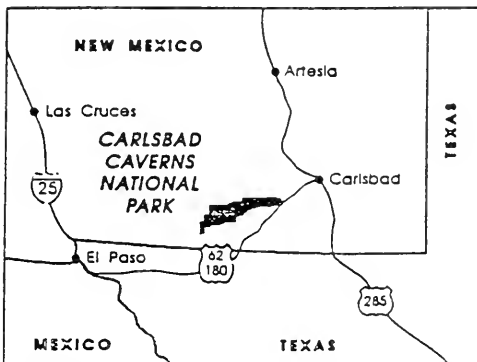
- (iii) **Contains superlative natural phenomena or natural beauty** The large rooms in Carlsbad Cavern make this cave unique amongst other known and accessible caves throughout the world. Lechuguilla Cave contains the world's largest and most extensive accumulations of gypsum chandelier speleothems, many of which measure over 6m long and hang from the ceiling in large transparent selenite crystals. The cave also holds the world's largest accumulation of hydromagnesite balloons, subaqueous helictites, aragonite "Christmas Trees" and in-cave elemental sulphur and has an abundance of other calcite and gypsum formations.





## Vicinity and Boundary

### Carlsbad Caverns National Park



130	80.051C
CACA	NOV 1992

## WORLD HERITAGE NOMINATION - IUCN TECHNICAL EVALUATION

## CARLSBAD CAVERNS NATIONAL PARK (USA)

## 1. DOCUMENTATION

- i) IUCN/WCMC Data Sheet (8 references)
- ii) Additional Literature Consulted: Herak M. & Stringfield V.T. 1972. Karst; Courbon P. et. al. (ed.). 1989. Atlas of the Great Caves of the World 369pp; Middleton J. & Waltham T. 1986. The Underground Atlas. 239pp; DuChene H.R. et al. 1993. Report of the Guadalupe Caverns Geology Panel to the National Park Service; USNPS. 1994. National Cave and Karst Research Inst. Study. 36pp + annex.
- iii) Consultations: 11 external reviewers, USNPS local park staff and cave specialists.
- iv) Field Visit: March, 1995. Jim Thorsell.

## 2. COMPARISON WITH OTHER AREAS

Karst cave systems are widespread natural features found in many parts of the world. The attached map indicates the location of some of the more significant cave regions. The USA alone has over 20 karst regions (see Map 2) and a total of more than 30,000 caves. Two sites have been inscribed on the World Heritage List for their karst features alone: Mammoth Cave in Kentucky and Skocjan Cave in Slovenia. Other very significant caves are associated features of other natural World Heritage sites in the Canadian Rockies, Nahanni, Grand Canyon, Tasmanian Wilderness, and the Australian Mammal fossil site. Other world class caves exist in Sarawak at Gunung Mulu and in Australia at Nullabor. In addition, the Agglatek cave and karst region in Hungary/Slovakia has also been nominated as a World Heritage site.

Reasonably complete inventories of the world's cave systems are available in the above cited references. These provide "Guinness lists" of the longest, deepest, and largest which are continually being revised as exploration continues. In assessing all cave nominations, IUCN has close liaison with the International Union of Speleology and carefully weighs their opinions in cave evaluations. In the specific case of Carlsbad Caverns National Park (CCNP), this Union as well as outside reviewers all agreed on the high natural values of the area. The relatively recently discovered Lechuguilla cave in the park was confirmed as having particularly exceptional features which, under strict protection, remain in an essentially undisturbed natural condition.

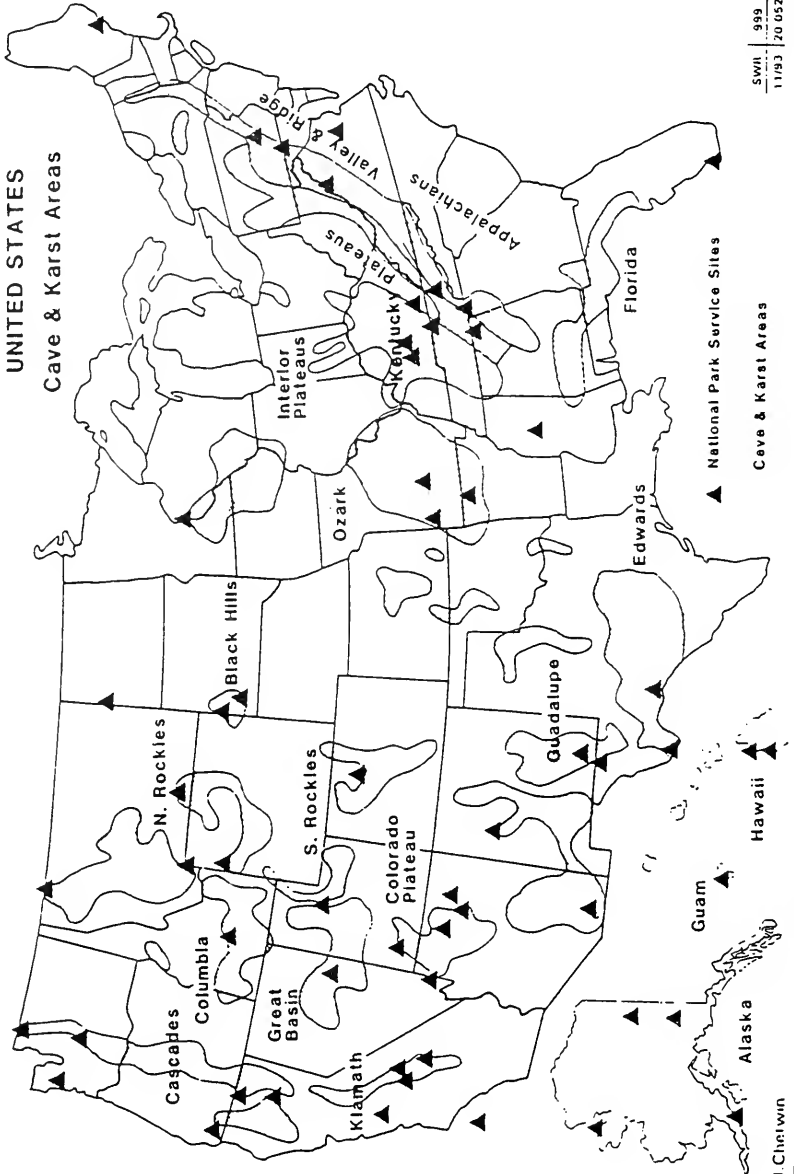
Carlsbad is radically different from the other two existing World Heritage caves. Mammoth Cave is notable for its enormous length, large level passages and jagged domepits. Skocjan is famous for its awesome river canyons and textbook portrayal of karst hydrogeology. CCNP is distinguished by its huge chambers which are far larger than those in Mammoth or Skocjan as well as for its decorative mineral features which also far surpass the other two. Carlsbad also contains 81 known caves, a very high concentration, with Lechuguilla now accepted as the single most outstanding of these and one of the most significant caves in the world in terms of scientific values.

In conclusion, CCNP contains some of the most outstanding caves in the world. It has spectacular beauty and its speleogenesis and biota and the natural condition of most of the caves put CCNP in a class of its own. Its features are distinctive from existing World Heritage cave sites and it does not duplicate values found elsewhere.



## UNITED STATES

## Cave &amp; Karst Areas



CCNP is found within the Chihuahuan Biogeographical Province along with 22 other protected areas on the UN List of National Parks and Protected Areas. As its surficial environment is not a feature that is being considered, a comparison on this basis is not relevant. Nevertheless, it should be noted that the park has nationally significant values in terms of its Chihuahuan desert flora and fauna as well as important cultural heritage resources.

### 3. INTEGRITY

Mining for guano and tourism have had some effects on the integrity of some of the 81 caves found in CCNP. During the period 1903-1923 an estimated 100,000 tons of bat guano was removed by hand tools from the entrance areas of the accessible caves. Other human impacts from tourism became noticeable but in the 1970s various management measures were adopted which have largely brought these within acceptable limits. The park's updated management plan is due for approval in 1995 and various other specific cave management plans have been prepared. Since its initial exploration a decade ago Lechuguilla cave has been strictly managed allowing only closely monitored visits by researchers.

One unfortunate cave-related loss has been the decline in the Mexican free-tailed bat population which has declined from 5 million plus in the 1920s to less than a million today. As the bat flight to and from the caves is truly a wildlife spectacle, efforts are being made to reduce further losses. As the losses occur when the bats migrate to Mexico this requires international cooperation.

The one threat that IUCN would underline as serious is the potential for oil and gas exploration along the park's boundaries and the associated construction of transmission and storage areas that would accompany it. The problem has been studied by a panel of geologists who have recommended a "cave protection" zone outside of the northern boundary of the CCNP. If the Committee decides to inscribe the site a recommendation supporting the findings of the Panel's report should also be sent to the American authorities.

### 4. ADDITIONAL COMMENTS

The nomination, submitted in September 1994, used the former criteria for natural sites that expired in 1993. IUCN has re-written the summary of the nomination in conformity with the now existing criteria. The US authorities have been notified of this revision.

### 5. EVALUATION

Of the many thousands of caves occurring in North America and in the nearby Guadalupe Mountains, the caves within the CCNP are among the most outstanding. They are also notable worldwide because of the size, their mode of origin and the abundance, diversity and beauty of the decorative rock formations (speleothems) they contain. The Lechuguilla cave is particularly noteworthy as an underground laboratory where geological processes can be studied in a virtually undisturbed environment. The site clearly meets natural criteria *i* and *iii* and fulfills all conditions of integrity. The only threat that faces the park is oil and gas exploration near its borders. A decision for inscription should be accompanied by an expression of support for creation of a cave protection zone to the north of the park (i.e. condition of integrity vi).

### 6. RECOMMENDATION

Carlsbad Caverns National Park meets natural criteria *i* and *iii* and should be inscribed on the World Heritage list.

## PREPARED STATEMENT OF RAY E. CUNIO

## CITIZENS FOR PRIVATE PROPERTY RIGHTS

5605 WILSON BEND ROAD

Sullivan, MO, September 8, 1996

*U.S. House of Representatives**Committee on Resources**Washington, DC 20515**Attention: Mr. Don Young, Chairman*

Mr. Chairman, Distinguished Committee Members

It is a great pleasure to have an opportunity to address this committee. I am Ray Cunio, 5605 Wilson Bend Road, Sullivan, Missouri; a rancher, businessman, and President of "Citizens For Private Property Rights." I also serve on a local county planning an zoning commission, soil and waster board, and county Farm Bureau board. I consider myself to be a conservationist and good steward of the land.

It is my privilege to offer testimony in favor H.B. 3752 "the American Lands Sovereignty Act of 1996"; in so doing to hopefully illustrate to this committee, the events that are currently occurring in the Missouri/Arkansas Ozarks that are of great concern to many citizens of the region and how these events relate to the issues addressed in H.B. 3752.

## COORDINATED RESOURCE MANAGEMENT-C.R.M. (MISSOURI)

## U.S. MAN AND THE BIOSPHERE (U.S.-M.A.B.)

## OZARK MAN AND THE BIOSPHERE (O.M.A.B.)

In the early 1990's the Missouri Department of Conservation (as lead agency) in collaboration with Missouri Department of Natural Resources, U.S. Fish and Wildlife, Natural Resource Conservation Service, U.S. Forest Service, U.S. Army Corps of Engineers, and U.S. Park Service developed a program for the state of Missouri; known as "Coordinated Resource Management" (C.R.M.) All of the above referenced federal and state agencies are signatory participants to the C.R.M. is to inventory all of the state's natural resources (public and inventory all of the state's natural resources (public and private) and to develop 50 year goals/objectives/strategies for the use of those resources. (Attachment #2) This is to be accomplished through the collaborative efforts of federal and state agencies, environmental non-governmental organizations, commodity organization, resource users, and local citizens.

In January 1996, a C.R.M. draft plan (188 pages, draft/appendices) for Region I, the "Lower Ozarks", (eleven Missouri counties) was finalized and published. There are nine goals to the "Lower Ozarks" draft plan with corresponding objectives and strategies for implementation. Some of the goals and strategies appear worthwhile and workable; while other goals are not landowner or resource user friendly and seem to demonstrate a perceived need on the part of federal/state agencies to become the primary managers of the land and resources of the region; incorporating the concepts of ecosystem, biodiversity, and sustainable development; with a preservationist tone.

Of particular concern in the Lower Ozark (Region I) draft plan is *goal IX* under objectives and strategies. (Attachment 3) Strategies A and B specifically refer to the establishment of the "Ozark Man and the Biosphere (OMAB) Cooperative"; to work toward implementation of its goals and objectives also to coordinate and integrate the efforts of "The Nature Conservancy's" Lower Ozark Project "Ozark Man and the Biosphere". OMAB was modeled and developed using the concept of "U.S. Man and the Biosphere". (Attachment #4, 5-A, 5-B)

## THE BIGGER PICTURE

## U.S. MAN AND THE BIOSPHERE

## U.N. MAN AND THE BIOSPHERE

C.R.M. and its reference to "*Ozark Man and the Biosphere*" as stated in goal IX is the Missouri component of much broader and more comprehensive effort to implement the biosphere-reserve concept on a regional basis, crossing political boundaries. This regional concept is known as "*Ozark Highland Man and the Biosphere*"; and encompass substantial parts of southern Missouri, Northern Arkansas, and parts of Oklahoma and Kansas. (Attachment #6) The anatomy of this proposed regional biosphere reserve would consist of a core protected area, surrounding buffer zone, and transition area totaling 48 thousand square miles, involving both public

and privately owned lands in four states. Federally owned land by state is 8.9% Missouri, 15.3% Arkansas, 3.6% Oklahoma, and 1.1% Kansas.

The long term objective of the "*Ozark Highlands Man and the Biosphere Cooperative*" would be to pursue nomination, designation, and official recognition through the U.S. M.A.B. Program (Attachment #7) with the ultimate objective being designation as a U.N. Biosphere reserve. (Attachment #8) Signators to the memorandum of understanding establishing the "*Ozark Highland Man and the Biosphere Cooperative*" are as follows: Arkansas Fish and Game Commission, Missouri Department of Conservation, national Park Service, Arkansas Natural Heritage Commission, Missouri Department of Natural Resources, U.S. Forest Service and Ozark Land Trust (Attachment #9).

#### PUBLIC INPUT-C.R.M. PLAN/BIOSPHERE RESERVE PROGRAM

Initial public input into the C.R.M. process "Region I-Lower Ozarks" was minimal to non-existent, the Missouri Department of Conservation conducted six public workshops throughout the state in the period August through December 1994 to discuss the concept of resource management; only two in the Lower Ozark Region itself. There were no governmental agency sponsored public information meetings conducted to review the C.R.M. plan or the information meetings conducted to review the C.R.M. plan or the O.M.A.B. proposal. After the plan was published in January 1996, various landowner/citizen groups and major community/farm organizations began holding public information meetings on C.R.M. It was primarily through this avenue that the public was informed on a broader scale; even so the vast majority of the citizens of Missouri or their elected official remain uninformed on "Coordinated resource Management" or the concept of the biosphere reserve and what it entails.

The citizens and elected officials of the four state region (Arkansas, Missouri, Oklahoma, and Kansas) have little if any knowledge of an expansive biosphere reserve concept begin covertly thrust upon them through "*Ozark Highlands Man and the Biosphere Cooperative*." Since 1991 there have been no public information meetings held by the signators to the O.M.A.B. memorandum of understanding to inform the general public or attempts to inform the respective state legislatures.

A failed attempt to develop select public reaction was conducted in September 1991. "Ecological Services" (a consulting firm) was hired by (ten) state, federal and private environment organizations to conduct personal and telephone interviews of key individuals in Arkansas and Missouri.-Arkansas (28 personal-16 telephone), Missouri (24 personal-18 telephone.)

In the past nine months C.R.M./biosphere reserve information has reached some of the local citizens of the region resulting in a public out cry and concern, Arkansas and Missouri state agencies felt enough pressure to drop their signatory participation to the OMAB program-at least for now. However, it appears that the federal bureaucracys and environment N.G.O.'s remain undeterred in their efforts to pursue nomination of U.N. Biosphere reserve.

#### CONCERNS AND CONCLUSIONS-OZARK, U.S., U.N. BIOSPHERE RESERVE

Establishment of a biosphere reserve would have a profound impact on the utilization of resources on public and private lands throughout the Ozarks. The multiple use of public and private resources and human activity in the core/protected area would be non-existent. Buffer areas consisting of public and private lands would permit only limited human uses. Areas of transition/cooperation consisting primarily of private lands would be strictly controlled and managed by government bureaucracys and environmental N.G.O.'s. Overall social, economic and cultural factors would be negatively impacted for all of the citizens in the region.

It is with the above mentioned background and concerns that I come to what seems to be a logical conclusion; the citizens of the Ozarks Region, their local/state elected officials, and the U.S. Congress have been circumvented in the development and attempted nomination/designation of the "Biosphere Reserve Program" in the Ozarks. A biosphere reserve patterned in the precise fashion as outlined in the U.N. Convention of Biodiversity, section 10 of the Convention on Biodiversity Assessment.

It is the citizens of a region through their elected officials at all levels that should decide how a region's resources and public/private lands are to be used for our current needs and managed for future generations. It is not for federal bureaucracys, (by administrative policy), preservation minded environmental N.G.O.'s or an international body to decide these issues. They are not elected and are not directly accountable to the people.

Therefore, I implore this committee to support H.B. 3752, to ensure that the U.S. Congress exercises its Constitutional authority/responsibility over federal lands, to

ensure state's sovereignty, and to protect the private landowners in their Constitutional rights. Above all to ensure that America maintains complete sovereignty over its lands from direct or indirect influence by any foreign or international body.

Sincerely,

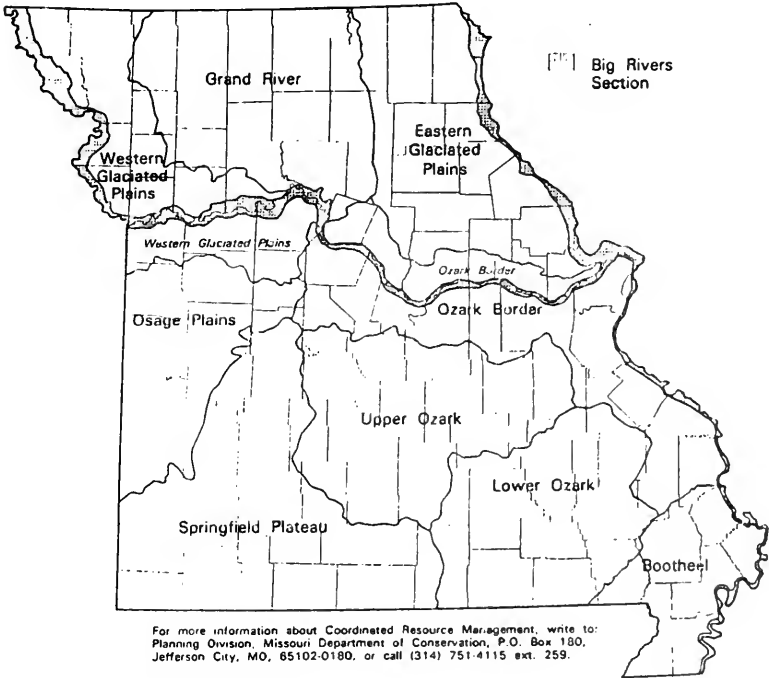
RAY E. CUNIO,  
*President*



(Attachment #1)

Page four of the Missouri Department of Conservation  
 Aug. 17, 1994 introduction of C.R.M. Region I (Lower Ozarks)

## Coordinated Resource Management Sections



Source: Missouri Department of Conservation

(Attachment #2)

August 17, 1994  
Page 2

From the Missouri Department of Conservation  
introduction of C.R.M. Region I (Lower Ozarks)

**Q: What is Coordinated Resource Management (CRM)?**

A: CRM is a voluntary program to get government agencies and citizens working together to plan for the long-term health of Missouri's natural resources. It's a process to get everyone looking together at the ecosystems here; to get everyone working together to:

- \* Conserve healthy ecosystems, and if appropriate, restore those that are disappearing or are in short supply.
- \* Take into account sustainable production of commodities consistent with Missouri's economics, lifestyles and traditions.
- \* Maintain and create opportunities for outdoor recreation.

**Q: Why do we need CRM?**

A: The diversity of Missouri's plants and animals plays an important role in sustaining our natural environment and good human living conditions. As demands on our natural resources grow, the need to coordinate our management efforts increases. In addition to Missouri, other state and federal land management agencies have already begun efforts like CRM to keep natural communities thriving.

**Q: How does it work?**

A: Teams linking natural resource experts from different government agencies in Missouri have divided the state into ten sections (see map). The sections are based on climate, soils, watersheds and other natural features. For each section, the teams will:

1. Take inventory of the plant and animal communities, natural resources and outdoor recreation opportunities that exist now.
2. Propose 50-year goals for each section based on the social and economic realities of each area, as well as on what the land can provide.
3. Involve the public through citizen surveys, meetings and news releases.
4. Finalize plans with the public's input.
5. Begin working towards common goals listed in the plans, checking progress on a regular basis.

Missouri Opinions and Expectations.

Missourians foster the notion of balancing use with conservation of natural resources. The balance was recognized at Lower Ozark public workshops as one of the top ten issues facing the region. The success of the Scenic Riverways Watershed Partnership is testament to the effectiveness of such initiatives. In addition, a feasibility study for an Ozark Man and The Biosphere program in the region documented widespread support for the concept (see Appendix III: Public Profile).

Potential Threats.

Balancing conservation and sustainable development is a complex task. Often stakeholders with very divergent values will have to come together and reach consensus on the highest and best use of the region's resources. The greatest hindrance to the success of such an effort is the lack of opportunities for communication and the development of common goals. By fostering programs which increase communication and consensus building, a greater possibility for success will emerge. The following objectives and strategies were developed with these issues in mind.

**CRM OBJECTIVES FOR GOAL IX:**

**Objective IX.1.** Foster and support the development and operation of programs and partnerships which integrate resource conservation and sustainable use in the region.

Strategies:

- A. Support the establishment of an Ozark Man and the Biosphere (OMAB) Cooperative in the region and work towards implementation of its goals and objectives.
- B. Coordinate and integrate the efforts of The Nature Conservancy's Lower Ozark project with OMAB and other local initiatives.
- C. Continue and improve support for the Scenic Riverways Watershed Partnership and similar regional cooperatives.
- D. Continue to develop relationships with local Resource Conservation and Development committees and local governments to develop and coordinate mutually beneficial activities.

**Objective IX.2.** Develop a wide variety of demonstration areas and projects which illustrate the value and management of native ecosystems, natural communities, sustainable natural resource extraction (eg. timber harvest, natural forage) and sustainable local economies.

From the Missouri Department of Conservation, January 1996 Draft  
Plan-Coordinated Resource Management Region I Lower Ozarks

**GOAL IX: INTEGRATE AND BALANCE THE CONSERVATION OF THE REGION'S NATIVE SPECIES AND NATURAL COMMUNITIES WITH THEIR SUSTAINABLE USE AND ENJOYMENT.**

Background.

The ultimate success of CRM will depend on the ability of stakeholders in the region to truly balance conservation of natural resources with human use and enjoyment. While the previous goals address individual biological, recreational, educational and economic aspects of CRM's mission, it will require a concerted effort to integrate activities across these goals. Programs and partnerships, such as the U.S. Man and the Biosphere Program, or local efforts like the Scenic Rivers Watershed Partnership, are interdisciplinary programs which encourage people with a wide variety of values to work together toward common goals.

The U.S. Man and the Biosphere Program concept has been used to develop a proposal for an Ozark Man and the Biosphere Cooperative centered largely on the Current and Eleven Point watersheds in this region (and the Buffalo River Watershed in Arkansas).

Developed by a wide variety of public and private agencies and organizations, the proposal outlines strategies for approaching sustainable development and conservation in the region. The Nature Conservancy has established an office in Van Buren, Missouri, in order to better manage its Lower Ozark properties; to support local community-based initiatives that promote compatible and sustainable economic development; and to establish educational and research-based programs with local schools and civic organizations.

The Scenic Rivers Watershed Partnership is a citizen-based initiative which supports the cooperation of citizens, local governments and state and federal agencies in developing plans for the conservation and use of the aquatic resources of the Current, Jacks Fork and Eleven Point watersheds.

The Missouri Natural Areas Program is an inter-agency effort to identify and designate Natural Areas in Missouri. The goal of the Missouri Natural Areas System is to recognize and manage the best, most pristine examples of Missouri's natural communities. With a total of 69 terrestrial and 14 aquatic natural community types occurring regionwide, protection of Natural Areas is paramount. Missouri's Natural Areas act not only as reservoirs of native plants and animals, but also as areas for baseline research and demonstration of the structure, composition and processes of native ecosystems. The Lower Ozark Region contains many outstanding Natural Areas (see Appendix II: Natural Areas). In order to represent and demonstrate the value of the full array of natural communities in the region, additional inventory, designation and management of areas are necessary.

These and other similar programs will help ensure the integration and implementation of CRM goals at the local level.

From the Missouri Department of Conservation, January 1996 Draft Plan-Coordinated Resource Management Region I Lower Ozarks

(Attachment 5-A)

## MISSOURI DEPARTMENT OF CONSERVATION

## MEMORANDUM

DATE: August 21, 1992

RECEIVED  
AUG 24 1992  
FORESTRY

FROM: Tim Nigh  
TO: Jim H. Wilson  
SUBJECT: Ozark Man and the Biosphere Cooperative

As you know, I have been representing the Department on an inter-agency committee considering the establishment of a Man and the Biosphere program in the Ozarks. Following the positive response of the feasibility study, the group set out to define the Mission, Goals and Objectives of a Man and the Biosphere Cooperative and identify a potential program structure. This task has been completed and drafts of these documents are attached.

It is time for the Department to give consideration to our participation in this program. While the Mission, Goals and Objectives provide a summary of potential activities, they do not contain all the facts necessary to determine Department participation. This memo reviews some of the facts pertinent to determining Department participation in an MAB cooperative. It provides background on the MAB program, some history of the potential Ozark MAB cooperative and recommendations from my perspective. I hope this information will not only help in determining Department participation, but will also help Forestry Division personnel gain an understanding of the program as we pass representation on to them.

- I. The U.S. Man and the Biosphere Program, Bioreerves and Man and Biosphere Cooperatives. The United Nations (through UNESCO) has sponsored an International Biosphere Reserve program since the 1970s. The goal of the program was to establish a system of reserves representing the major bioregions of the world. The reserves would be established to conserve the biodiversity of the region, but also to develop and share methods of sustainable utilization of natural resources. The United States pulled out of the United Nations MAB program in the 1980s and established a U.S. MAB program. While the goal of the program is still to establish a system of representative bioreerves, the focus has shifted from simple designation of existing preserves to fostering the concepts of conservation/sustainable utilization through regional planning and cooperation. JEG \* NOTE

While the nomination and designation of an area as a bioreserve is still an important aspect of the program, the formation of an Ozark Man and the Biosphere Cooperative to achieve the Mission, Goals and Objectives attached to this memo is the strength of the program. In my opinion, focus on the cooperative is more important than the bioreserve designation.

NOTE #1 ACCORDING TO RESEARCHERS THIS STATEMENT IS A HALF TRUTH AND IS MISLEADING

(Attachement 5-B)

2. The Ozark MAB Committee. A group representing 12 agencies/organizations from Missouri and Arkansas has been meeting since 1988 to determine participation in the development of an MAB reserve in the Ozarks. Participating agencies and organizations are:

Missouri

Ozark National Scenic Riverways  
Mark Twain National Forest  
Missouri Dept. of Natural Resources  
Missouri Dept. of Conservation  
L.A.D. Foundation/Pioneer Forest  
Missouri Chapter of The Nature Conservancy

Arkansas

Buffalo National River  
Ozark National Forest  
Arkansas Game and Fish Commission  
Arkansas Natural Heritage Commission  
Arkansas Chapter of The Nature Conservancy  
U.S. Fish and Wildlife Service (MO and AR)

3. The Feasibility Study. The MAB Committee cooperatively funded a feasibility study to investigate regional interest and feasibility in the establishment of an MAB cooperative. The study was completed in 1991. The study concluded that the establishment of an MAB cooperative and designation as a U.S. MAB Reserve would benefit the region and should proceed. Widespread support from both agencies and the local public concerning the MAB concept and the benefits of an Ozark MAB program was received.

Given the results of the study, the committee determined to proceed with the development of a program focusing on the watersheds of the Current, Eleven Point and Buffalo rivers.

4. The Mission, Goals and Objectives. The Mission of an MAB cooperative is very compatible with the Mission of the Department. The conservation role of an MAB program - to conserve the biodiversity of representative portions of the Ozark region - is particularly compatible with the Department's Mission. The MAB concept, however, promotes the integration of man and his activities into resource conservation and responsible utilization. It does this by promoting cooperation amongst agencies, organizations and the local public to develop and achieve regional goals. In short, an MAB cooperative could provide a framework for cooperation in developing and achieving comprehensive regional natural resources planning.

The goals and objectives for the cooperative closely parallel those recommended by the Missouri Biodiversity Task Force (particularly under the conservation goal). They also parallel our approach to regional planning. Objectives are included to 1) establish presettlement vegetation (i.e. MDC regional guides), 2) develop an ecological classification system (i.e. MDC regional guides), 3) inventory ecosystem diversity utilizing remote sensing/GIS technology (i.e. MDC proposed GIS pilot project), and 4) establish large core areas (i.e. MDC ecosystem conservation areas). These closely follow our regional planning approach, but if carried out, would do a more comprehensive job of regional planning than we can currently do.

Goals 3 (sustainability role) and 4 (education role) would complement some of our current programs (especially education) and would certainly make the long-term conservation of natural resources more feasible.

NOTE # 2 'PRESSETTLEMENT' MEANS BEFORE THE INTRUSION OF MAN

NOTE # 4 SEE ATTACHED MAP 'C' FOR 'MDC ECOSYSTEM CONSERVATION AREAS'

NOTE  
# 2

RED FLAG

\* NOTE  
# 4

(Attachment #6)

# THE OZARK HIGHLANDS



From the "Ozark Man and the Biosphere Cooperative" Draft Plan

(Attachment #7)

## DRAFT

**OZARK HIGHLANDS MAN AND THE BIOSPHERE COOPERATIVE  
MISSION, GOALS AND OBJECTIVES\***

**Mission:** To sustain and restore the biological diversity and ecological integrity of representative portions of the Ozark Highlands, integrating these natural values with the culture and economy of the region and provide for sustainable utilization of the natural resources.

**GOAL I. (LOGISTICS ROLE):** To provide a framework for regional cooperation amongst public agencies, organizations, local communities and private citizens to promote sustainable conservation and utilization of the natural resources.

**Objective 1:** Create an Ozark Man and the Biosphere cooperative with participation and support from key agencies, organizations, local communities and citizens.

- Tasks:**
- a. Identify program organizational structure, staffing, and budget.
  - b. Seek support from cooperating agencies and organizations.
  - c. Develop a cooperative agreement amongst all participating parties.

**Objective 2:** Seek designation as an Ozark Man and the Biosphere cooperative through the U.S. M.A.B. Program.

- Tasks:**
- a. Prepare nomination proposal including designated sites which support adopted missions, goals and objectives.
  - b. Forward to U.S. M.A.B. for review and request designation.

**Objective 3:** Facilitate the identification of key regional issues and the cooperation of the public and private sectors for the achievement of regional goals. (Avoid duplication of efforts, recommend cooperative allocation of resources, etc.)

- Tasks:**
- a. Summarize issues from feasibility study and others as appropriate.
  - b. Identify key issues and form working groups to develop an action plan to address them.

**Objective 4:** Facilitate involvement of communities, institutions and other parties to promote partnerships.

\* These draft statements were developed by the steering committee with the intent that revision and additions would result with the involvement of additional cooperators as the program progresses.



(Attachment #8)

## DRAFT

COOPERATIVE AGREEMENT  
(Memorandum of Understanding (FS))

FOR THE

ESTABLISHMENT AND OPERATION OF THE  
OZARK HIGHLANDS  
MAN AND THE BIOSPHERE COOPERATIVE

THIS COOPERATIVE AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_, one thousand nine hundred and \_\_\_\_, by and between Arkansas Game and Fish Commission, Arkansas Natural Heritage Commission, Missouri Department of Conservation, Missouri Department of Natural Resources (Division of Parks, Recreation and Historic Preservation), National Park Service (Buffalo National River and Ozark National Scenic Riverways), Pioneer Forest (Missouri), The Nature Conservancy (Arkansas and Missouri), Ozark Regional Land Trust, U. S. Fish and Wildlife Service, U. S. Forest Service (Mark Twain NF and Ozark/St. Francis NF), all of whom represent several land management and planning agencies with interests in the general area of the Ozark Highlands, do hereby join together for a common and specific purpose.

## ARTICLE I. BACKGROUND AND OBJECTIVES

W I T N E S S E T H:

WHEREAS, the parties to this cooperative agreement, pursuant to their respective statutory authorizations, are engaged in programs and projects intended to further conservation and development of the natural, cultural, and economic resources within the Ozark Highlands region of the United States; and

WHEREAS, in 1971, the Man and the Biosphere Program was formed by the United National Educational, Scientific, and Cultural Organization for the purpose of building a harmonious relationship between man and the environment on a scientific basis; and the United States Man and the Biosphere Program cooperates with the international program for this purpose; and

WHEREAS, the International Coordinating Council of the Man and the Biosphere Program has recognized the Ozark Highlands region as one of the most suitable areas in the world for developing a model cooperative natural and cultural resource program because of its unique and globally significant natural ecosystem and its wealth of scientific expertise; and

(Attachment #9)

## ARTICLE VII. GENERAL PROVISIONS AND APPLICABLE CIRCULARS

The General Provisions attached hereto and the applicable references to federal circulars referenced therein are made a part of this agreement.

## SIGNATURES

\_\_\_\_\_  
Director, Arkansas                      Date  
Game and Fish Commission

\_\_\_\_\_  
Director, Arkansas                      Date  
Natural Heritage Commission

\_\_\_\_\_  
Director, Missouri                      Date  
Department of Conservation

\_\_\_\_\_  
Director, Division of                      Date  
Parks, and Historic Preservation  
Missouri Department of Natural  
Resources

\_\_\_\_\_  
Field Director, Midwest                      Date  
Field Area, National Park  
Service

\_\_\_\_\_  
Supervisor, Ozark                      Date  
National Forest, U.S.  
Forest Service

 1/15/96  
\_\_\_\_\_  
Manager, Pioneer Forest                      Date

\_\_\_\_\_  
Arkansas State Director                      Date  
The Nature Conservancy

\_\_\_\_\_  
Missouri State Director                      Date  
The Nature Conservancy

\_\_\_\_\_  
Executive Director,                      Date  
Ozark Land Trust

\_\_\_\_\_  
Regional Director,                      Date  
U.S. Fish and Wildlife Service

\_\_\_\_\_  
Supervisor, Mark Twain                      Date  
National Forest, U.S.  
Forest Service

From the cooperative agreement (Memorandum of Understanding)  
"Ozark Highlands Man and the Biosphere Cooperative"

## PREPARED STATEMENT OF KATHLEEN P. JACHOWSKI

## SUMMARY OF PRESENTATION

This testimony speaks to the significance, relevance and ramifications of using international agreements and federal land use designations to frustrate the public process in land management in order to restrict land use and stop economic development. It is my understanding that H.R. 3752 is attempting to stop the damage being done through these mechanisms—this testimony supports that efforts.

## STATEMENT OF TESTIMONY

The part of the United States where I live (Northwest Wyoming) is a prime piece of real estate which exemplifies the use of national and international mechanisms to blur geo-political authority, compromise state and national sovereignty, and assume politically-correct postures which ignore as convenience private property rights.

Documents such as the Vision for the Future—A Framework for Coordination in the Greater Yellowstone Area, August 1990, and the Bio-Diversity treaty (not ratified in December 1995) find their ways into our lives in spite of strong public objection. The past and renewed use of Heritage areas throughout the U.S. Attempts to ignore the living history and cultures of American in the making by exploiting the pain of past mistakes and historically understandable approaches. The agenda of such documents has little to do with respect for the resource, and everything to do with social engineering at its worst. The agenda is control not management, the agenda is social engineering not freedom guided by constitutional guarantees, and legitimate public expectations of a people's government.

## SIGNIFICANCE

Involvement of government agencies in developing such documents carries with it validation of the concept—implied or stated—perceived or real. This is significant collateral fallout.

Such documents through creation of labels and acronyms such as the Greater Yellowstone Area, or GYA, imply that such areas are within an agency's jurisdiction and purview. Public attitudes are nurtured which do not reflect an understanding of the many geo-political designations and legal differences which exist.

It is significant that such labels include "private lands" and include all parts of 12 counties of Montana, Idaho and Wyoming as stated in the brochure "Vision for the Future" first paragraph. With the flick of a "bic pen" so to speak, seeds of misunderstanding by the public have been sown. Seeds which lay the ground for future polarization and confrontation.

## RELEVANCE

Example—The Vision document—Chapter 1-5 discusses "the Coordination Process". If references the 1987—Agregation document published by the Greater Yellowstone Coordinating committee. A reading of even this short section cannot help but leave the astute reader with the reality that congressional mandates between and among agencies will be modified, coordinated or over-viewed in such a manner as to avoid implementing their legally recognized missions. A case in point would be to have a national forest do minimum multiple use to conform more with a national park which does not permit such activities. Example, Chapter 3-35 of the Vision document Paragraph 2 uses words such a minimize, reduce, reclaim and closure of roads in discussing the management of timber. This is only one example.

Superimpose and/or integrate such concepts as Bio-diversity (Vision document 3-3) and the attempt to shut down politically incorrect activities are obvious. While the Bio-diversity treaty may not have been ratified, rest assured that its precepts are consistently being integrated at every opportunity. Chapter 3-15 of the Vision document, paragraph 1 under Coordinating Criteria states, "Biological diversity objectives must be integrated with other Park Service resource-use objectives and Forest Service multiple use objectives." Notice the use of the imperative form "must be integrated".

Chapter 3 of the Vision document gives a real insight into the land management future and how the mission of one federal agency can be subrogated to those of another. Paragraph 2 (Chapter 3-29) states "Responsible mineral development activities will continue on forest lands where it is compatible with other GYA goals and values." Remember that the concept and term GYA is a self-created one, here given the significance of "policy". This technique of empowering a document and a term with such leverage cannot be overemphasized as a "Red Flag".

## RAMIFICATIONS

The use of federal land use designations, along with overlapping and often repetitive international land designations to frustrate the public process in land management in order to restrict land use and stop economic development has far-reaching and insidious ramifications.

The contrived message that land belonging to the United States somehow becomes part of a global real estate ownership brings us to the Heritage areas and once again Yellowstone Park falls victim to such distortions and manipulations.

The treaty so designating Yellowstone National Park as a world Heritage site contains the language for creation of a buffer zone whenever it is deemed necessary. An example of the blurring of geo-political lines and private property rights.

When control could not be otherwise snatched from state and private entities this international agreement has been brought onto stage front and center as the heavy artillery. Intimidation of the general public is the name of this ramification. How many private U.S. Citizens or state governments would be comfortable second-guessing the United Nations?

Heritage areas, federal land use designations and international agreements result in their circumventing of important legal documents such as the National Environmental Policy Act (Crown Butte Mine), Taylor Grazing Act, multiple Use Sustained yield Act and other mechanisms long ago validated via the public process. This is the reality of everyday life in America as we have now come to know it. All are held hostage to this larger agenda—known as socialism in some countries.

## CONCLUSION

Simply put, the significance, relevance and ramifications of the theme of my testimony give new meaning to the term cumulative effects. Ask yourselves as clear thinking Americans why would any business endeavor want to invest time and money into any area is constantly shifting sands. Into an area which is constantly being redefined Heritage areas with their ever-present "Buffer Zones" would blur the "Vision" of any group and represent changing rule that no one can be sure of.

Buffer Zones and Heritage areas have the same effect as mine fields and grenades in other parts of the world. They dislocate people, destroy economic foundations, achieve ethnic cleanings of politically incorrect cultures and put citizens at the mercy of agendas with which they have nothing in common.

The American people—anglo as well as American Indian—have a right to expect that public law and policy will respect contemporary as well as past cultures.

KATHLEEN P. JACKOWSKI  
SUPPLEMENTAL COMMENTS  
*September 20, 1996.*

DEAR MR. CHAIRMAN:

having listened to the questions and comments at last week's committee hearing on H.R. 3752 I thought the Committee and public record would be well served by these supplemental comments.

Familiarity with documents such as the vision for the Future—A Framework for Coordination in the Greater Yellowstone Area is understandably not countrywide. While this document pre-dates the visit by the World Heritage Committee in September, 1995, the significance is in their "shared philosophy," shall we say.

The casual reader would look at the Vision document and get the impression that its development was high profile, with lots of public input. Actually while there were meetings, the significance, scheduling and participation in no way reflects the ramifications and magnitude of a 19 million acre document. Congress needs to fully appreciate that regulations for compliance with public notice and input are today totally inadequate for the magnitude of the decisions, scope and direction set forth, and given "life" by such documents.

Even on localized basis the public-at-large understandably cannot foresee the ramifications of these documents until it's too late. Americans living well away from the immediate area also have no reasonable opportunity to participate in the public involvement process until well after the proposals have been finalized and implementation is underway.

When specimens such as the Heritage Treaty, Biosphere Reserve and Vision documents are carefully read and reflected upon the terminology, philosophy and "decorative" public input appear very similar. All serve to blur Congressionally established distinctions among agencies, and geo-political boundaries. To one degree or another they move an agenda forward at the expense of pre-existing legal mandates

and private property rights. To one degree or another pieces and parts of each become part of the management scheme.

The American public is constantly brainwashed while such documents are being formulated, that the purpose and content are benign. This easily lulls a trusting and unsuspecting public into thinking their best interests are being served. This happening all over the country.

This American wants to ensure that the Committee deliberating any new legislation is fully cognizant of the seriousness of the mechanisms being used to circumvent existing laws and their intent.

Sincerely,

KATHLEEN P. JACOWSKI  
*Park County multiple Use Association*

# Cook tries to block biosphere designation

By ROBERT MITCHELL,  
Freeman staff

KINGSTON — State Sen. Charles Cook is asking federal officials to help him defeat a proposal that would designate the Catskill Region a Biosphere Reserve under the United Nations.

The area nominated for recognition includes all of Ulster, Greene, Sullivan, Delaware, Otsego and Schoharie counties, as well as the southwestern portion of Albany County.



"Please exert whatever influence you can bring to bear to thwart this ill-conceived plan at its earliest stage," Cook, R-Delhi, said in a Feb. 14 letter.

Cook

"The principles of home rule should not be trampled upon. Such a designation will only open the door for more outsiders to claim a right to direct future development in the Catskills, a right that should certainly be left solely in the control of this region's residents."

(See Cook, page 11)

## Cook tries to block biosphere designation

(Continued from page 1)

The letter was sent to U.S. Sen. Daniel Patrick Moynihan, D-N.Y., U.S. Sen. Alfonse D'Amato, R-N.Y., House Democrat Maurice Hinchey of Saugerties and House Republicans Gerald Solomon of Glens Falls, Benjamin Gilman of Middletown and Sherwood Boehlert of New Hartford.

An application was submitted Dec. 15, 1994, for designation of the Catskill Region. Under the leadership of the Catskill Center for Conservation and Development; the Olive Natural Heritage Society, Edmund Niles Huyck Preserve and the Mohonk Preserve, the application was prepared by a committee of non-profit groups, government agencies, local citizens and educators.

Cook, in his letter, said the application is pending at the State Department and has been submitted to the United Nations Scientific, Educational and Cultural Organization (UNESCO) Man of the

Biosphere Program.

"This designation is ordinarily applied to unpopulated areas in an effort to limit development and recognize those areas as environmentally valuable due to their current uninhabited state," Cook said. "Unlike other designated areas, the Catskills are relatively heavily populated, although certainly not urban in character."

"The residents of the Catskills are currently besieged by New York City's efforts to impose land use regulations and the last thing this region needs is an international group of experts telling us what to do with our property."

The Catskill Center was closed Monday in observance of President's Day and officials were not immediately available for comment on Cook's opposition.

The Catskill Center, in a news release announcing the application, said the global aim of the Man and the Biosphere Program is "to achieve a long-term healthy balance between humans and the en-

vironment."

There are currently more than 300 Biosphere Reserves worldwide, including the Great Smoky Mountains and Yellowstone National Park.

"The Catskills are a world-class landscape with outstanding natural values and community traditions," Tom Hatley, executive director of the Catskill Center, said in the release.

"It is also a world-class laboratory of regional challenges in the continuing effort to integrate economic and environmental health."

The Catskill Center said a public meeting will be held somewhere in the Catskills this spring to get more information to the public.

"Biosphere Reserve designation is voluntary and completely non-regulatory in nature, and the activities within the program are a cooperative effort between agencies, communities, educational institutions and non-governmental organizations," the group's release said.

2-21-95

# PRESERVATION vs. CONSERVATION

by Tony Tantillo, Natural Resource Editor

Having been involved in the "Environmental" movement since it first became popularized in the late 60's, I've seen a few things evolve. During the 60's there was lots of social protest. Our generation "got involved." We took sides, we had opinions. The Viet-Nam War was very tolerant of the other. We learned to make noise; we learned to play with government.

As the war's stimulus faded, national attention seemed to focus more and more on the government's deficiencies in protecting our environment. Two schools of thought could be identified. The traditional conservationist, relatively unchanged in form since Teddy Roosevelt, and the new guys, the preservationists, the new extremists of the family who were often intolerant, sometimes narrow-minded, and always aggressive.

This crowd presents some real dangers to the entire movement

today. First of all, they have some strange ways of looking at things. No use of the specific, targeted resource is allowed (except by them of course). Sort of look, but don't touch for the rest of us. They want to be the self-appointed curators for the ecosystem in question. They will use it their way and dictate a separate set of guidelines for "non-member" use. All to often these days, this bunch advances an agenda in the name of the environment, making it difficult for more moderate members of the clan to challenge them for fear of public ridicule. Worse than that, some preservationists have effectively taken over many of the old conservation organizations and/or formed new groups making them increasingly more powerful and influential.

The other bunch of us environmental types are the more moderate conservationists. We are, by definition, the "wise users" of our natural resources. Still reactionary and involved, true conservationists recognize that man is a part of nature not an alien here from somewhere else. Relying on our education and intellect, we must strive to understand how we fit in. What do we need from our environment? What do we want? How do we best handle conflicts? How much can you manipulate an ecosystem without harming it? Obviously, the better educated we are the better we can use our resources, maybe even repair some of the damage we've caused in the past.

Currently, a conflict between the two schools of thought is manifesting itself in our dealing with the Hudson River. There are those who don't want us to use it at all. Some groups, influential groups, opposed the NYSDEC's fisheries staff recommendations for increase in recreational catch limits for striped bass. They were able in 1987 to eliminate the catch completely. The ensuing protest was strong enough to allow a one fish limit in 1988 and after. In my mind, it was part of an organized effort to make the river less

appealing to boaters and fishermen. This effort seemed to be continuing with the current push to resurrect the PCB dredging project. Any dredging will complicate, not solve, the problem but it certainly will discourage river use. Something else, why would anyone oppose projects which would give the public better/cheaper access to the river? In keeping with the preservationist theme, both access and development of marine slip space similarly are discouraged. I've seen the self-proclaimed environmentally elite delighted with the hoops they make developers jump through. These legal hassles serve no purpose except to try to delay and aggravate the planner enough to go elsewhere with their projects. It is important that we realize that the river belongs to all of us, and a handful of elitists with a private agenda should not be allowed to control its management. Persons who oppose all river development present a far worse danger to the river than people willing to allow some reasonable growth. The backlash to an intolerant and extremist management program could easily stymie many legitimate conservation efforts in the future.

Remember, we are the present stewards of the river. It is a treasure for us to enjoy and should be a treasure for generations to come as well.

*Anthony Tantillo hails from New Paltz, New York, where he and his wife, Fawn, have operated their family business, Sunset Sporting Goods Inc., since 1972. "Tony" holds a B.S. degree from Utah State University in Fisheries Management Biology and a Masters degree from SUNY-New Paltz in Biology. An avid sportsman, he can be seen regularly on the Hudson in his 17' boat aptly named, "Sunset I." In addition to serving on the Hudson River Estuary Management Advisory Committee (NYSDEC) "Tony" is involved in numerous local organizations committed to conserving our natural resources.*



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## TESTIMONY OF PAUL C. JONES

## AMERICAN LAND SOVEREIGNTY PROTECTION ACT

## INTRODUCTION:

I am Paul C. Jones, Executive Director of the **Minerals Exploration Coalition**, an advocate of the multiple use of public lands of the United States including that for environmentally sound mineral exploration and development. Today I am pleased to testify before this Committee in support of the **American Land Sovereignty Protection Act**, introduced as H.R. - 3752. I have over 35 years experience in the mineral industry in North and South America in all levels of the industry from junior engineer to Chief Operating and Chief Executive Officer of publicly held corporations.

The **Minerals Exploration Coalition** is an advocate on public policy issues involving access to, and the safe and environmentally responsible use of, public lands of the United States for mineral exploration and development. Our membership, including more than 30 corporations, represents a diverse group of professionals and companies engaged in mineral exploration on public lands.

I personally attended and made a technical presentation at the "hearings" held by the World Heritage Committee to investigate the Committee's and the National Park Service's desire to list Yellowstone National Park as a "Heritage Site in Danger" and to supposedly judge the effect of the New World Project on Yellowstone National Park. It is because of my first hand knowledge of international bodies inserting their agendas in U.S. domestic policy that I want to share the concerns of the **Minerals Exploration Coalition** with you today.

## SUMMARY OF PRESENTATION:

I would like to discuss today the use of an unprecedented application of a loosely worded international treaty obligation of the United States (the World Heritage Convention) by special interest groups and the current Administration to circumvent the proper application of U.S. law related to the mineral industry. The specific incident to which I will refer is the 1995 intervention of the World Heritage Committee, an organization attached to and a part of the United Nations Environmental, Scientific & Cultural Organization (UNESCO) based in Paris, France, into the federal permitting process for the proposed New World Gold Mine located northeast of Yellowstone National Park near Cooke City, Montana.

In the case of the New World Gold Project, in December 1995 the World Heritage Committee, prematurely and without the basis of adequate fact, declared Yellowstone National Park a "World Heritage Site in Danger" because of presumed, yet unsubstantiated,

allegations that the New World Gold Project would create irreparable harm to Yellowstone National Park.

The World Heritage Committee refused to review more than three years of good science and fact-based research prepared for the Environmental Impact Statement (EIS) process before making a determination on the issue although Crown Butte had specifically ask the Committee to review the material before making a decision.

More importantly, the company asked the World Heritage Committee to reserve judgement on declaring Yellowstone National Park a Heritage Site in Danger until the draft EIS was completed. This was to ensure there was no disruption to the permitting process established under the National Environmental Policy Act (NEPA) provided for by the U.S. Congress. In December, 1995 the World Heritage Committee arbitrarily declared Yellowstone National Park a "World Heritage in Danger". The Committee, by their public and highly publicized actions, in fact subsequently contravened the established permitting process and unduly influenced U.S. domestic policy.

This premature, unjustified and unwarranted declaration on the part of the World Heritage Committee provided special interest groups and their associates within the Federal government with tremendous political leverage to "induce" further challenges to a fair and unbiased permitting process. Additionally a new forum to circumvent U.S. domestic policy was created by the World Heritage Committee with the help of the Administration, special interest groups, and the media.

Equally disturbing is the fact that the U.S. Department of Interior, the body mandated by you (the Congress) to carry out the application of U.S. law as it relates to minerals exploration and development was the co-architect of the World Heritage Committee plan - I will elaborate more on this in a moment.

In this example the Congressionally mandated National Environmental Policy Act regulatory process, the established vehicle for evaluating the environmental suitability of the New World Project or any other project, was adversely affected by an international organization seeking to assist in the circumvention and influence of U.S. Domestic Policy. The actions by the World Heritage Committee side-stepped the United States Congress and set a precedent for nullifying good science and fact in the permitting of minerals exploration and development projects. Its actions reduced more than 30 separate laws including the Clean Water, Clean Air and Endangered Species Acts mandated under NEPA, to a tool for manipulating and politicizing minerals exploration and development in America. The **Minerals Exploration Coalition** believes such intervention in U.S. Domestic Policy is without merit and a violation of the letter and spirit of the law.

While, in the case under discussion, the intervention affected a mining project, it could just as easily been a logging, ranching, recreation or other segments of American life on Public Lands which could have been the subject of the intervention.

The **Minerals Exploration Coalition** strongly supports the American Lands Sovereignty Act, (H.R. 3752) sponsored by Chairman Young, to limit the activity of international or United Nations (U.N.) organizations such as the World Heritage Committee within the United States unless such activity is specifically authorized by Congress. In addition we suggest the Congress should limit the actions of the Administration in "inviting" actions such as occurred in the case of the New World Project. While our nation should live up to its treaty obligations the Administration should not encourage unwarranted intrusions into the domestic affairs of the United States by outside groups, such as was the case of the World Heritage Commission's intrusion into the application of NEPA and the New World permitting process.

#### **BACKGROUND TO NEW WORLD PROJECT:**

The New World Project was a proposed medium sized underground gold-copper mining operation and related mineral processing plant. The facility was to be located in Fisher Creek north of Cooke City, Montana. The project site is approximately three miles northeast of the northeast corner of Yellowstone National Park and situated on a watershed which flows away from, not into, the Park.

Crown Butte Mines, Inc. and its predecessor companies have been developing the New World Project since the mid-1980's. Initial environmental data collection on the project began in 1989 with the Environmental Impact Statement process beginning in 1993. The proposed project would have used a conventional water flotation, non-cyanide recovery process of mineral concentration. The waste material was to have been permanently stored in an environmentally safe state-of-the-art facility designed and built with proven technology. The mine and mill complex was planned to operate at a 1,500 ton per day rate for an anticipated twelve year period and would have produced approximately 130,000 ounces of gold and 3,000 tons of copper per year. The project would have employed approximately 175 individuals on a year-round basis.

#### **WORLD HERITAGE COMMITTEE INVOLVEMENT IN NEW WORLD:**

As a part of an opposition strategy to the project a group of 14 U.S. special interest groups sent a letter dated February 28, 1995 to the Chairman of the United Nations sponsored World Heritage Committee, Dr. Adul Wichiencharoen, requesting that the Committee initiate an investigation to determine if Yellowstone National Park should be included on the "List of World Heritage Sites In Danger". This letter (Exhibit B) stated as reason for the request the "serious threats presented to the park and its larger ecosystem by the proposed "New World" gold mine..." In addition to the New World Mine, the letter listed seven other unrelated items which requested the attention of the Committee in their considerations.

The World Heritage Committee's authority within the United States is derived from a voluntary treaty obligation which the United States assumed by joining the World Heritage Convention in 1978. This Convention, and its underlying obligations are briefly described in Exhibit A-2 to this presentation.

The Director of the World Heritage Committee, Bernd von Droste, responded to the letter from the special interest groups with a letter to Assistant Secretary of Interior for Fish, Wildlife and Parks George Frampton dated March 6, 1995. In his letter (Exhibit C) Director von Droste suggested the World Heritage Committee could request it's affiliated group, the World Conservation Union (IUCN), to review the draft EIS when it was published to determine if suitable reason existed to designate Yellowstone a "World Heritage in Danger". He indicated that the World Heritage Convention required "State Parties" (in this case the United States) to take whatever action was required to remedy a site declared "in Danger" by the Committee. Quoting von Droste

"It is important to note that Article 1 of the World Heritage Convention obliges the State Party to protect, conserve, present and transmit to future generations World Heritage sites for which they are responsible. This obligation extends beyond the boundary of the site and Article 5(A) recommends that State Parties integrate the protection of sites into comprehensive planning programmes. Thus, if proposed developments will damage the integrity of Yellowstone National Park, the State Party has a responsibility to act beyond the National Park boundary."

"Clearly if there are threats to World Heritage values the State Party has a responsibility to act. If enabling legislation is not adequate, **new legislation should be considered** (emphasis added), as was the case in Australia with respect to the Tasmanian Wilderness World Heritage site."

von Droste further stated

"The World Heritage Committee has the authority to act unilaterally in placing a site on the List of World Heritage in Danger...In this respect we would appreciate receiving a comprehensive report on the situation in time for the meeting of the World Heritage Bureau to be held in Paris in early July (1995). Such a report would enable the Committee to give serious consideration to the listing of Yellowstone National Park on the «List of World Heritage in Danger» should such a decision be warranted, at its nineteenth session to be held in December, 1995."

The Assistant Secretary of the U.S. Department of Interior, George Frampton, responded to von Droste in a letter dated June 27, 1995. In his letter (see Exhibit D) Frampton indicated "the Secretary (of the Interior) and the National Park Service have clearly expressed strong reservations with the New World Mine proposal." May I point out that this

correspondence was undertaken during the ongoing New World permitting process required under NEPA. Frampton stated in his Department of Interior reply to von Droste

"Until the scope and nature of the analyses [referring to the New World Project draft EIS] are better defined and the matter is satisfactorily resolved without jeopardizing the values of Yellowstone, **we believe that a potential danger to the values of the Park and surrounding waters and fisheries exists and that the Committee should be informed that the property as inscribed on the World Heritage List is in danger**" (emphasis added).

This statement conveys as fact a conclusion contrary to the findings of the EIS, and boldly advocates World Heritage Committee involvement in U.S. regulatory affairs by a key official of the Administration. Frampton goes on to state he is **unable** to comply with von Droste's request for a comprehensive report on the status of threats to the Yellowstone World Heritage Site before the Committee's July meeting - a strange statement for the Department of Interior to make if they were "**convinced**" the site was in danger from a project which had not yet completed its permitting process, much less received permits to begin construction or operation. It is interesting to note that in his letter of June 27th Assistant Secretary Frampton made no mention of "other" threats to Yellowstone although von Droste, in his March 6th letter, had made reference to several risks identified in the February 28, 1995 correspondence to him from the conservation organizations and in a brief report to the Committee in July, 1993 by the U.S. delegate.

Assistant Secretary Frampton then invited the U.N. sponsored Committee to visit the site in the summer of 1995 to "meet with representatives from the non-governmental conservation (special interest) organizations, citizens' groups and the mining company, as well as appropriate Federal and State agencies, including the National Park Service, U.S. Forest Service, U.S. Environmental Protection Agency and the Montana Department of State Lands".

On July 3, 1995 the Office of the World Heritage Committee "considered a request made by the United States to include Yellowstone Park on the Endangered Heritage List". The Office made a decision for a delegation to visit the site later in the summer at the specific **request** and **expense** of the Department of Interior, the government agency mandated to enact, yet challenging, the integrity of the NEPA process. By scheduling such a visit September 8-11, 1995 the Department of the Interior and the World Heritage Committee superseded the established permitting process for projects such as New World and establishes a precedent for similar action on other inappropriate projects.

The President of Crown Butte Mines, Inc., Joseph J. Baylis, sent a letter (Exhibit E) dated June 29, 1995 to Chairman Wichiencharoen explaining the New World Project, the environmental permitting process applicable to the project, and the status of the then-current permitting process. In his letter Mr. Baylis expressed willingness to provide the Committee, or their technical representatives, with substantial data on the project so that they might

make a knowledgeable science and fact-based review of the project.

The June 29th letter was supplemented by a letter to Dr. von Droste, dated August 15, 1995 (Exhibit F) in which Baylis expressed concern that the agenda, proposed by the National Park Service for the upcoming visit to the site, would create an unprecedented forum for those opposed to the New World Project and place the World Heritage Committee in an adversarial relationship with the EIS process set out under NEPA. Baylis again reaffirmed his company's willingness to cooperate with the Committee in a "fact-finding" mission during their visit to Yellowstone, but requested the visit come after the completion of the draft EIS. It was made clear that the company was confident that the New World Project had not, and would not in any way, harm Yellowstone Park or the Greater Yellowstone ecosystem.

Crown Butte then sent Assistant Secretary Frampton a letter dated August 25, 1995 (Exhibit G) in which it expressed "deep concern over the Park Service's proposed agenda for the Yellowstone visit of the World Heritage Committee". In this letter Baylis stated

"We do not feel that you or any government official or cooperating agency should propose or lead a process alternative to NEPA and ultimately, the EIS. We believe that the Park Service plan with respect to the World Heritage Committee visit, at this stage of the EIS process, is both improper and misguided." Baylis continued

"We take great exception to the following statement you put in your letter of June 27, 1995, to the World Heritage Committee: "...It is unclear whether several specific concerns of the Department of Interior and the National Park Service, or other agencies, and of the conservation community will be taken into account in the EIS process..." Are you suggesting that NEPA is a weak or poor law?"

This latter statement by Baylis takes on considerably greater meaning following the more recent actions by the Administration to terminate the New World Project. It appears the Department of Interior was not interested in the facts because they had already made up their minds or had a different agenda.

Thus the Department of Interior and the National Park Service requested and paid for a competency "hearing" by an international agency on those officials mandated by law to carry out the NEPA process and act on behalf of Congress.

Immediately before the World Heritage Committee delegation visited Yellowstone in early September, 1995 President Clinton took time from a vacation in Jackson Hole, Wyoming to meet secretly with a delegation representing special interest groups opposed to the New World Project. He declared in a late evening, surprise press conference August 25, 1995 organized by the National Park Service at the project site that he was ordering the

Secretary of Interior to withdraw from mineral entry under the nation's mineral acquisition laws about 4,600 acres of lands adjacent to the land held by the New World Project. This withdrawal, ordered by the President, was subsequently increased to an area encompassing over 33,000 acres and was designed to hamper the ongoing EIS.

Thus the Administration unfairly intervened in the ongoing Congressionally mandated permitting process and the stage was set for the "fact-finding" visit to Yellowstone National Park by the delegation from World Heritage Committee in September, 1995.

#### **WORLD HERITAGE COMMITTEE VISIT TO YELLOWSTONE AREA:**

The agenda for the World Heritage delegation visit to Yellowstone, September 8-11, 1995, was prepared without industry input and controlled by the National Park Service which acted as host to the delegation during the four day working visit. This agenda is attached as Exhibit H to these remarks. As can be seen by reviewing the agenda, the scheduling is highly biased in favor of the Park Service and special interest groups. Crown Butte was limited to a 20 minute period on Friday, September 9th to make introductory remarks and a two hour period Saturday, prior to the New World site visit, to explain the details of the project to the delegation.

On the second day of the "hearings" Crown Butte Mines, Inc. personnel gave a two hour technical presentation to the Committee representatives. This presentation overviewed technical work done to date on the project, the permitting process undertaken, and other relevant data on technical aspects of the project. During this presentation, few questions were asked by the representatives of the Committee indicating to some either a lack of understanding of the technical aspects or a lack of interest in those aspects.

Following the technical presentation, the group visited the Kennecott tailings pond located on Soda Buttes Creek east of Cooke City and then took a three hour tour of the project site. Accompanying the Committee representatives on the site visit were National Park Service, Forest Service and EPA personnel, the news media, individuals representing special interest groups, a few project supporters or mining industry personnel such as myself, and about eight company personnel or consultants. Numerous comments and discussion by Park Service, special interest, company personnel and others were made during the site visit.

On Monday, September 11th the Meetings reconvened at the Mammoth Hot Springs Lodge where hearings described as "technical" but sorely lacking science and fact were conducted by the Committee representatives throughout the day. About two thirds of the speakers represented special interest opposed to the project. Some presentations were not directly related to the New World Project, such as discussions on regional geography and history, wildlife planning, regional economy, forest ecology, etc. Other issues discussed did address the planned mine.



During the proceedings on Monday I made a technical presentation (Exhibit I-1) to the Committee on the ability to develop an environmentally sound project on this particular site. In my presentation I addressed the key issues of controversy and addressed some misconceptions or incorrect comparisons to other projects. In addition, I cautioned the Committee Chairman about allowing his organization to be "used" by special interest groups in a domestic dispute. This latter "caution" was not well received by the Chairman. Subsequent to the "hearings" I wrote a letter dated October 4, 1995 (Exhibit I-2) supplementing my testimony with additional data on issues raised at the "hearings". Included in these additional issues was the incorrect comparison of the New World Project to that of Summitville, a heap leach gold project in Southwestern Colorado which experienced serious environmental difficulties leading to abandonment of the project and bankruptcy of the company owning the project.

Although he asked to make a concluding remarks at the end of the Monday proceedings Crown Butte President Baylis was not allowed to speak during that session.

The Committee took limited testimony, none of it under oath, from a limited number of technical personnel familiar with the specific project. Numerous non-technical "witnesses" talked of earthquakes, clear-cutting, area economics, wildlife habitat, area history, buffer zones and other topics. Minimal discussion was given to the subject of the stringent (meticulous) state/federal permitting process and the massive and costly effort to produce a realistic EIS for the New World Project. Although Crown Butte Mines had specifically asked the World Heritage Committee to review more than three years of science and fact-based research, including the more than 15 volumes of technical permit information, prepared for the Environmental Impact Statement (EIS) process before making a determination the Committee did not review this data, even refusing to accept a copy for review at a later date.

The Committee representatives heard considerable speculation by representatives of special interest groups and the National Park Service based on "what if" scenarios related to the project. Little wonder a realistic, fact based decision was not made by the Committee regarding the matter at their December 12, 1995 Berlin Germany based conference.

Committee personnel, particularly the Chairman, Mr. Wichiencharoen, and Executive Director Von Droste, appeared to me to have arrived at the meetings with their minds "made up" and a pre-set agenda that the project was a danger to Yellowstone. This attitude was exhibited by numerous public statements and/or questions of both gentlemen during the visit, including Chairman Wichiencharoen's infamous statement to the Billings Gazette, which I personally witnessed, that he believed the U.S. had a very dysfunctional (unorganized??) regulatory system and that a 12 million acre "buffer zone" around Yellowstone was justified and desirable. This statement was made on the afternoon of the second day of the four day meeting. Unfortunately the statements I have described demonstrate a definite bias against the New World Project and total disregard for good science on the part of the Committee's

leadership. This bias was clearly established without science and in cooperation with the Department of Interior and National Park Service, supposed unbiased agencies, which is mandated to participate in the EIS process as protected under NEPA.

#### WORLD HERITAGE COMMITTEE ACTION:

At the conclusion of the "hearings" the World Heritage delegation held a press conference in which they stated they would not make any decision on the status of Yellowstone until reviewing the results of the Environmental Impact Statement. This statement was reported in the Tuesday, September 13, 1995 issue of the Billings Gazette and is quoted below.

"Members of the delegation said... they are confident the U.S. Forest Service and Montana Department of Environmental Quality will consider far-reaching impacts of the mine in the EIS due out late this year. They said the World Heritage Committee will not decide on Yellowstone status until the EIS is released." (emphasis added)

Information regarding other news articles covering the "hearings" are provided in Exhibit A-3.

Regrettably the Committee did not live up to this publicly stated "commitment" to make no decision on the matter prior to the completion of the draft EIS. The World Heritage Committee, at its annual conference in Berlin, Germany December 5, 1995, after limited discussions, declared Yellowstone National Park a "World Heritage in Danger". Minutes to these deliberations (Exhibit J) indicate the U.S. representative to the Committee quoted from Assistant Secretary Frampton's totally unsubstantiated statement in his June 27, 1995 letter in which he said the National Park was "in danger" (emphasis added). The minutes further indicate the EIS had not been published and that the U.S. government did not consider the World Heritage Committee actions an intervention in domestic law or policy. This latter statement is difficult to justify by any knowledgeable and reasoned individual.

In taking this action the Committee also listed several other issues of concern. Considerable self-serving language was devoted to justification that the Committee action was not in conflict with domestic law or policy of the United States.

The action of the Committee was announced to the world press through a news release issued by the very special interest groups which wrote the February 28, 1995 letter to the World Heritage Committee.

This news release (Exhibit K), on National Parks and Conservation Association, American Rivers, Beartooth Alliance and Greater Yellowstone Coalition banner and datelined "December 5, 1995 - Berlin" announced

"The World Heritage Committee today voted to add Yellowstone , the world's first national park and a World Heritage Site, to the international list of "World Heritage in Danger". The Committee concluded that the proposed New World gold mine...warranted its addition to the list."

## CONCLUSIONS:

In the United States, our Congress and State legislatures establish laws setting out policy by which we live our lives and operate our business. The Administrative branch of government then establishes regulations to administer these laws. Over the past twenty five years more and more public input has occurred in the process of promulgating regulations and, similar public input has evolved in the issues to which the regulations are addressed.

In the mining industry, as in all other public land-use industries, we have a lengthy series of public laws and regulations which govern our activities, including those related to the environment. In each of these areas adequate opportunities are provided for public input into the governmental decision making process.

In the case of the New World Project, numerous permits related to some facet of environmental concern must be obtained from over 35 federal and state agencies before the project can proceed - obviously an adequate opportunity to thoroughly address any environmental issue in a substantive manner. As many of you know the project was in the final stages of publishing a Draft Environmental Impact Statement as required under the National Environmental Policy Act when the recent "land exchange" agreement was announced by the company and the President. I am confident this Draft EIS, had it been released, would have demonstrated the New World Project could have been built and operated without endangering Yellowstone National Park, as the company stated and the NEPA process substantiated.

The intervention of the World Heritage Committee into the normal regulatory process of the United States and that of the New World Project was, in my opinion, an undue, improper use of influence by an outside, ex parte group to influence the New World regulatory process.

The Committee took limited testimony of both a non-technical and technical nature on the estimated effect of the New World Project on Yellowstone Park. Many of the non-technical comments were based on impractical "what ifs" related to the project. Almost no testimony was given on other "dangers" to the Park, a subject which had been mentioned in the initial February 28th letter to the Committee from the special interest groups. Unfortunately, it appeared from questions and statements made by both the Chairman and Director of the Committee, both in the meetings and to the press, that the Committee had clearly come to Yellowstone with "their mind made up" on the subject. Not surprising since they were the guest of the Department of Interior and special interest opponents.

The World Heritage Committee's very highly publicized visit to Yellowstone in September, 1995 followed by the fund raising campaign of numerous special interest groups created extremely negative publicity against the project in the national news media. This publicity, for the most part, was totally without the benefit of fact and mostly reiterated "slogans" of special interest groups in league with the World Heritage Committee and the Department of Interior.

Following the determination by the World Heritage Committee that Yellowstone was a "World Heritage Site in Danger", the Administration began an unprecedented set of maneuvers designed to further frustrate the NEPA process and simultaneously began negotiations with Crown Butte to acquire the New World Project in exchange for "surplus" federal lands elsewhere. Such an exchange was announced on August 12, 1996 by President Clinton, just two weeks before the Democratic National Convention - in my opinion a politically timed announcement.

Such a land exchange, and the extraordinary circumstances leading up to its inception, sets a terrible precedent by the Administration for using foreign intervention in U.S. Domestic Policy and other equally inappropriate and potentially illegal tools to circumvent the normal permitting process - if that process does not produce the results the Administration desires. Such a precedent does not bode well for the U.S. regulatory system in general, or the NEPA process in particular.

In summary, the December 1995 determination by the World Heritage Committee that Yellowstone National Park was a "World Heritage Site in Danger" was premature and without the basis of adequate fact. It was based upon presumed and unsubstantiated allegations that the New World Gold Project would create irreparable harm to Yellowstone National Park. If published, the Draft EIS on this project will, **most certainly**, refute these allegations.

This premature, unjustified and unwarranted declaration on the part of the World Heritage Committee provided the special interest movement with tremendous political leverage to "induce" the Administration to negotiate the recently announced "land exchange" with the owners of the property rather than pursue to its normal conclusion the Congressionally mandated National Environmental Policy Act process for evaluating the environmental suitability of the project.

Congress has seen fit in its wisdom to guide minerals exploration and development, as well as all natural resource development, with the most stringent environmental laws and most precise application of the best science and research in the world. To abandon those principals and tools and to allow international intervention as a tool for those who desire to ignore or reinvent law and government procedures without Congressional approval, as has occurred in the case of New World, will surely have tragic and far reaching consequences to our mineral industry and to the nation as a whole.

The **Minerals Exploration Coalition** strongly supports the American Lands Sovereignty Act, (H.R. 3752) sponsored by Chairman Young to limit the activity of organizations such as the World Heritage Committee within the United States unless such activity is specifically authorized by Congress. Strong steps should be taken by this Congress to prevent such an occurrence of meddling by outside (foreign) parties into the normally prescribed permitting process in this country. In addition, the Congress should limit the actions of the Administration in "inviting" such actions which occurred in the case of the New World Project. While our nation should live up to our treaty obligations the Administration should not encourage unwarranted intrusions into the domestic affairs of the United States by outside groups, such as was the case of the World Heritage Committee's intrusion into the New World permitting process.

I thank you for your attention to my remarks on this important subject as it relates to the fair and unbiased application of U.S. domestic law in its intended state for the review and development of mineral deposits on federal lands.

## SUPPLEMENTAL INFORMATION

## EXHIBIT A-1

**BACKGROUND TO WORLD HERITAGE COMMITTEE INVOLVEMENT IN NEW WORLD:**

The World Heritage Committee designated Yellowstone National Park as World Heritage Site, or area, in 1978, about six years after the United States signed the World Heritage Convention of UNESCO. In the initial request for designation as a World Heritage Site a buffer zone of the six surrounding National Forests was proposed. A part of this "buffer zone", the Absaroka-Beartooth Wilderness Area was established by Congress in 1978, specifically excluding the New World Mining District north of Cooke City Montana as a result of the U.S. Geological Survey's prediction of the potential for significant mineral development in the area.

In 1990, federal agencies and special interest groups made a strong attempt to implement an extremely larger buffer zone around the National Park through what became known as the Greater Yellowstone Vision Document. This document was met with a huge outcry by the public and the states of Idaho, Montana and Wyoming. The Directors of the National Park Service, U.S. Forest Service and the U.S. Fish and Wildlife Service who formed a regional coordinating committee to implement the Vision Document were removed from their respective positions in 1991 thus terminating that effort.

## EXHIBIT A-2

## WORLD HERITAGE COMMITTEE JURISDICTION WITHIN THE UNITED STATES

The World Heritage Convention, initially signed by United States and 19 other countries, was adopted by the General Conference of the UNESCO on November 16, 1972. In 1995 there were 469 cultural and natural sites designated in 105 countries around the world, of which 20 are found in the United States. Included are the Statue of Liberty, Independence Hall, and the Everglades, Yellowstone, and Yosemite National Parks, to name a few.

The purpose of the Convention is to establish "an effective system of collective protection of the cultural and natural heritage of outstanding universal value" currently referred to as "global commons". The Convention embodies an important concept of linking together conservation of nature and that of culture. To quote UNESCO,

"(f)or a long time, nature and culture were perceived as opposing elements in that man was supposed to conquer a hostile nature, while culture symbolized spiritual values. However, nature and culture are of course complementary, the cultural identity of different peoples has been forged in the environment in which they live and frequently, the most beautiful man-made works owe part of their beauty to their natural surrounding."

Article 2 of the Convention can be used to protect areas of "natural heritage" such as Yellowstone, the Everglades, and the newly nominated Heritage site, Carlsbad Caverns. Article 2 also extends protection to areas which constitute the habitat of threatened or endangered species of plants and animals. Article 2 reads

"For the purposes of this Convention, the following shall be considered as "natural heritage": natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view; geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation; natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty."

Article 4-6 are key to the functioning of the Convention. While nations recognize the duty of ensuring the identification, protection and conservation of World Heritage sites belongs primarily to them, any nation signing the treaty also agrees to do "all it can" to protect these sites. Article 6 clarifies this statement even further by stating "Whilst fully

respecting the sovereignty of the State [nation]...State Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to cooperate (emphasis added)." Article 4 states that a nation signing the treaty is "to the utmost of its own resources, and where appropriate, with any international assistance and co-operation" protect these sites.

Article 5 outlines the responsibilities of the nation state

"...each State Party to the Convention shall endeavor, in so far as possible, and as appropriate for each country:

- 1) to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes;
- 2) to set up within its territories, where such services do not exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means to discharge their functions;
- 3) to develop scientific and technical studies and research and to work out such operating methods as will make the State capable of counteracting the dangers that threaten its cultural or natural heritage;
- 4) to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage..." (emphasis added)



## EXHIBIT A-3

## PRESS COVERAGE OF THE WORLD HERITAGE COMMITTEE EVENT:

The Committee's activities at Yellowstone were covered in detail by the regional and national press. Of particular mention was coverage by the **Casper Star Tribune** and the **Billings Gazette**. This coverage included both special interest and company aspects of the issue but in many instances criticized the U.S. NEPA process under which the New World Project was being permitted.

One of the more outspoken issues raised was Chairman Wichiencharoen's statement regarding the need for a 12-18 million acre buffer zone around Yellowstone Park. The September 10, 1995 issue of the Billings Gazette quoted the World Heritage Committee Chairman as stating

"...he is inclined to suggest that the international panel urge the United States to expand Yellowstone Part to encompass millions of acres of national forest that surround it. Certainly the forest areas around Yellowstone belong to the same ecosystem."

Wichiencharoen further stated

"Land managers should simply keep undisturbed regions undisturbed.:

World Heritage Director von Droste stated

"the U.S. Forest Service should manage the some 11 million acres of adjacent national forest to avoid projects that would stain the entire Yellowstone region."

At the conclusion of the meetings the Casper Star Tribune indicated

"The committee was more interested in how a coherent ecosystem management strategy to protect Yellowstone could be fashioned out of competing laws and agency priorities."

"Committee Chairman Adul Wichiencharoen of Thailand...[stated] that as a signatory to the World Heritage Convention Treaty, the United States has a duty to take steps to preserve the Yellowstone ecosystem across administrative boundaries of the park."

"Executive Director Bernd von Droste of Germany, ask if the EIS would be

developed with the concept of critical buffer zones around the park in mind. "It's a bit too much piece-meal, doesn't speak to the biological interactions" outside park boundaries, he continued."

These statements indicate a sharp bias against, or criticism of, the NEPA process by the leaders of the delegation.

Following are some of the articles published during and after the World Heritage Committee proceedings at Yellowstone.

Newspaper Articles in Exhibit A-3:

"Report: Gold mine no threat to park" BILLINGS GAZETTE May 17, 1996;  
"Delegation ends mine site visit" BILLINGS GAZETTE September 12, 1995;  
"Heritage panel defends visit" CASPER STAR-TRIBUNE September 12, 1995  
"Panel: Park needs buffer zone" BILLINGS GAZETTE September 10, 1995  
"Guest Editorial - New World sabotage" LIVINGSTON ENTERPRISE September 5, 1995

Newspaper articles in Exhibit A-3 and all items in Exhibits B - K may be obtained upon request from the MINERALS EXPLORATION COALITION at the address below.

MINERALS EXPLORATION COALITION  
1019 8th Street, Suite 305  
Golden, Colorado 80401  
Phone 303-277-1155  
Fax 303-277-1212

## EXHIBIT L

## STATEMENT OF QUALIFICATIONS - PAUL C. JONES

Paul C. Jones is the Executive Director of the **Minerals Exploration Coalition**, an advocate on public policy issues involving access to, and use of, public lands of the United States for mineral exploration and development. He is also President of Sovereign Gold Company, Ltd. and Sovereign Management Group, Ltd., two privately held companies engaged in exploration and development of precious and base metals in the Western United States, Canada and Latin America.

Mr. Jones is a recent past Chairman of the Board of Directors, Director Emeritus and a past member of the Executive Committee of the Colorado Mining Association (CMA). He currently serves as the Chairman of the CMA Summitville Mine Task Force and is a member of CMA's Environmental, Governmental Affairs, and Public Affairs Committees.

In April, 1993 Colorado Governor Romer appointed Jones to the Governor's Summitville Advisory Committee, a group representing local, state and federal agencies, special interest coalitions, the general public, and the mining industry. The Governor's Advisory Committee serves as a conduit for information on Summitville and provides guidance to the Governor's Office on matters related to the reclamation and closure of the project.

In addition Jones is currently the Vice Chairman and Chairman Elect of the Colorado Mining Association Educational Foundation, a private organization which has provided college level credit training in mining and minerals exploration to more than 1000 primary and secondary school teachers over the past 26 years.

Jones is a recognized industry expert on responsible land use and land management in minerals exploration, permitting, development and reclamation. He is a sought after advocate for responsible mining and adherence to the strict standards that govern mining and natural resource development in North America.

Mr. Jones has a Bachelor of Mining Engineering Degree from the University of Minnesota, is a Registered Professional Engineer, and has served in numerous engineering, operations and senior management positions in public and private companies during this 35 years in industry. He is a member of the American Institute of Mining Engineers, the Society of Mining, Metallurgy and Exploration, the Mining and Metallurgical Society of America, the Minerals Exploration Coalition, the Colorado Mining Association and the Northwest Mining Association where he has served in various roles, and is a founding member of the National Mining Hall of Fame & Museum and the Colorado Mining Exhibit Foundation. He was the 1995 recipient of the prestigious "St. Barbara Award" given by 14 Colorado mining organizations "In Recognition of Outstanding Contributions to Colorado Mining".

## **EXHIBITS**

**PRESENTATION**

**OF**

**PAUL C. JONES**

**TO**

**COMMITTEE ON RESOURCES**

**U. S. HOUSE OF REPRESENTATIVES**

**SEPTEMBER 12, 1996**

## **EXHIBITS**

**A-3 (Newspaper Articles Only)**

**B - K**

**MINERALS EXPLORATION COALITION**

**1019 8th Street, Suite 305**

**Golden, Colorado 80401**

**Phone 303-277-1155**

**Fax 303-277-1212**

## ■ NEW WORLD PROPOSAL

# Report: Gold mine no threat to park

HELENA (AP) — A proposed gold mine in the mountains near Yellowstone National Park would pose no environmental threat to the park because existing laws provide adequate protection, a preliminary report concludes.

Prepared as part of a draft environmental impact statement on the New World Mine, the document sounds no alarms over potential water, air, noise or scenic pollution from the project.

"The natural condition and

ecological integrity of the park would remain," the report said.

However, it said the mine could have minor impacts on neighboring wilderness in roadless areas and on a section of the Clarks Fork of the Yellowstone River that is designated a wild and scenic river.

Officials of Crown Butte, the company planning the mine, have refused to comment on initial versions of chapters released by the state Department of Environment-

tal Quality over the past eight months.

A final decision on whether the mine can be built and what, if any, conditions will be attached, may not be made until the fall of 1998, he said.

The question of the mine's impacts on Yellowstone Park has stirred the most controversy over the project.

Environmentalists fear that the mine, which is planned for three miles from the northeastern

draft won't be done until June at the earliest.

A final decision on whether the mine can be built and what, if any, conditions will be attached, may not be made until the fall of 1998, he said.

The question of the mine's impacts on Yellowstone Park has stirred the most controversy over the project.

Environmentalists fear that the mine, which is planned for three miles from the northeastern

corner of the park, will bring pollution to Yellowstone. Mine operators contend that their plans will prevent any environmental harm.

Terry Kuegg, spokesman for the Florence-based Greater Yellowstone Coalition, said his group had not yet reviewed the analysis of mine impacts on the park. But the organization still sees the mine as a threat, he said.

The actual mining operation (More on Mine, Page 2C)

## Mine

### From Page 1C

would occur on the Yellowstone side of the mountain range and will uncover one capable of producing acid drainage, he said.

Also, the mine will sever an important migration route for grizzly bears, moose and elk moving between the park and the Absaroka-Bearfoot Wilderness, he said.

The report assessing likely park impacts raises few concerns.

The need to keep the highway between Cody, Wyo., and the mine area open in the winter for one-hauling trucks may increase use of the park, especially through the northeastern entrance near Cooke City, the report said.

The road also could give hikers a winter migration route out of the park, the analysis warned.

Two of the alternative mine plans would require a huge tailings dam on the park side of the mountain and failure of that barrier could send contaminated water into Yellowstone, the report noted.

Any affect on the park's geothermal system is unknown but unlikely since the closest geothermal feature is 19 miles from the mine site, the consultants said.

The report said some mine facilities would be visible from high points in the northeastern corner of the park and any sounds from the operation that reach the park would be no louder than a human voice.

The mine would affect some

of the integrity, naturalness, solitude and primitive recreation offered by the 936,331-acre Absaroka-Bearfoot Wilderness Area, the report said.

Sound and dust reaching the wilderness would be barely noticeable. Light and glare from the mine and workcamp could be seen from some sites in the wilderness.

The analysts said mine-related traffic and noise could discourage some visitors from seeking solitude and primitive recreation in the wilderness area.

A 20-mile stretch of the Clarks Fork of the Yellowstone River in Wyoming, designated a wild and scenic river, would have its flow altered by the mine. But a proposed power line to carry electricity to the mine would not be visible from the river, the report said.

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To <b>Jill Taylor</b>	From <b>Jim Hayes</b>	
Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	

4 — LIVINGSTON ENTERPRISE, Tuesday, September 5, 1995

# opinions

## Guest Editorial

### New World sabotage

Will the New World Order sabotage the New World Mine? Clinton administration officials appear to be scheming to bring that about.

Assistant Interior Secretary George Frampton and Yellowstone Park Superintendent Mike Finley have invited a United Nations panel, the World Heritage Committee, to review the proposed gold mine, which Crown Butte Mines wants to build near Cook City, just outside Yellowstone Park.

It would be safe to say that most Montanans, as well as most Americans, had never heard of the World Heritage Committee. It's safe to say most Montanans had no idea the United States is obligated by treaty to "protect" certain sites, like Yellowstone Park, if the committee proclaims them to be "in danger."

Crown Butte President Joseph Baylis strongly objects to bringing in the committee. Baylis contends that by doing so, the Interior Department is attempting to subvert the normal review process, which is currently under way.

Finley denies that, but the denial rings hollow. Baylis has produced letters in which Frampton urges the committee to declare that the mine endangers Yellowstone, even though

the committee itself advised that such a conclusion would be premature.

A lot of people are probably shocked to learn that a United Nations group apparently has the power to influence, or even determine, the New World Mine decision.

Frampton's conduct is shocking, as well. He is working to persuade a United Nations panel to sabotage the mine review now being conducted by the U.S. Forest Service and the Montana Department of Environmental Quality. Frampton and Finley may be afraid the lawful review process will not produce the decisions they want, and hope the U.N. body will oppose the mine.

The governments of Montana, Wyoming and the United States can decide this issue perfectly well without any help from the United Nations.

If asking the World Heritage Committee to turn thumbs down on the mine before the review process is completed is administration policy, President Clinton should speak up and accept responsibility.

If Frampton was acting on his own, he should be fired.

—Montana Standard

## ■ 'GREATEST ISSUE'

# Delegation ends mine site visit

## World panel reserves judgment on controversy

By MICHAEL MILSTEIN  
Gazette Wyoming Bureau

**YELLOWSTONE NATIONAL PARK, Wyo.** — Debate over a high-country gold mine proposed near Yellowstone National Park's boundary is "in the northern hemisphere, the greatest environmental issue there is," said a leader of an international panel reviewing the mine.

Yellowstone "is really a superlative site and this question of mining nearby is an important one for all parks," said Bernd von Droste, director of the World Heritage Committee. Whether or not the mine goes ahead, he said, open discussion of its pros and cons "has given me admiration for the American system."

The sometimes-tense discussion for the delegation's benefit on Monday jumped from the mine to logging to a sort of reverse American imperialism.

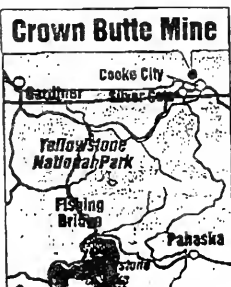
While environmentalists who had summoned the panel proclaimed its visit a success in focusing global attention on the New World Project, the head of the company behind the mine near Cooke

City termed the proceedings "a bit of a farce."

Four representatives of the World Heritage Committee wound up a four-day visit to Yellowstone on Monday by reserving a conclusion on the mine plan, but hoisting red flags on other park fronts: geo-thermal development, tourist overcrowding and threatened grizzly bears.

During a December meeting in Germany, they will report their findings to the full World Heritage Committee, which will then decide whether Yellowstone fits onto the geographical equivalent of the endangered species list.

"Yellowstone has a world-wide constituency,"



(More on Mine, Page 10)

- Group backs expansion
- Park chief de...

MONTANA'S BEST



BILLINGS "GAZETTE"  
Tuesday, Sept. 12, 1995

TUESDAY, SEPTEMBER 12, 1995 W

ENDED STORIES

# Mine

From Page One

von Droste said.

Environmental organizations had urged the delegation to weigh whether the planned mine warrants listing Yellowstone Park, a designated World Heritage Site, as "in danger." Instead, the group raised the specter of such a listing due not to the mine, but to geothermal development.

Retired U.S. Geological Survey research geologist Irving Friedman told the delegation that uncontrolled development, including oil and gas drilling near the national park could "seriously impair" Yellowstone's geysers and hot springs.

Threats to such well-known features may by itself warrant an "in danger" listing for Yellowstone and a request that the U.S. government take immediate steps to protect the park's hot-water displays, von Droste said.

"We're not concerned only about the mine, but we're concerned about the whole system," said Harold K. Eidsvik, a World Heritage Committee staffer.

Park managers, in Yellowstone and elsewhere, must also figure out ways to better manage people who may otherwise "love this park to death," von Droste said.

But most of the more than 20 technical presentations the World Heritage Committee group heard on Monday centered on the New World Project.

The most vociferous comments, including a written statement from Sen. Conrad Burns (R-Mont.), came from those who objected to the delegation's presence in the first place.

Echoing comments from officials of Crown Butte Mines Inc., the company proposing the mine with financial backing from Canadian mining giant Noranda, Burns and others said international oversight is premature. Review by U.S. agencies, now writing an environmental impact statement that will assess the mine, should come first, they said.

They blamed Finley and the National Park Service parent Interior Department for signing onto an environmentalist-led invitation to the delegation that may undermine the EIS process.

"It is unfortunate that the issue of permitting this mine has become mired in rhetoric and gameplaying," Burns said in a statement read by Burns aide Susan Brooke. "I believe today's event is another

in this game and the U.N. has unwitting participant."

On the World Heritage Committee's administrative support United Nations. It is an independent created by a treaty called the Heritage Convention.

Staffer of the Greater Yellowstone asked whether Burns had discussed his comments in advance with Noranda officials, Brooke corruptly. "The senator can talk to himself — I know that's probably not you, but he can."

Speaker, Kathleen Jachowski of Idaho, termed involvement by Interior officials an insult to the American people and the government agency reviewing the mine proposal for the first time.

Heritage Committee President sometimes resent "American involvement" and said his delegation is not revealing that. By suggesting Americans cannot understand that, "you're insulting the American people," he said.

Speaking Monday in a format arranged by the National Park Service, the delegation split between support for and opposition to the mine that would sit high peaks east of Yellow-

stone.

Mine opponents repeated fears that an impoundment designed to hold millions of tons of waste rock from the mine could generate acid pollution that would leak downstream if the reservoir falls. Mine backers said the project could actually help Yellowstone by cleaning up messes left by unregulated miners decades ago.

Polluted water will drain away from Yellowstone if Crown Butte gets permission to build the state-of-the-art impoundment where it has proposed, said company geologists. But an alternate site would put the impoundment in a drainage that runs toward the national park, mine foes reminded the international group.

They raised the shadow of past mine disasters, although Crown Butte officials contended the examples are not relevant.

Geologist George Furniss, who acknowledged he had been employed by a Noranda subsidiary but is now a University of Montana graduate student, detailed his studies of streams near the proposed mine site. The research shows the streams have been laced by naturally occurring acid drainage and toxic heavy metals for thousands of years.

Furniss said.

Former Indiana lawmaker Bayh, now a Washington, D.C., consultant to Crown Butte, said environmental groups have lost sight of what they're for.

Members of the delegation said they are confident the U.S. Forest Service and Montana Department of Environmental Quality will consider far-reaching impacts of the mine in the EIS report late this year. They said the World Heritage Committee will not decide Yellowstone's status until the EIS is complete.

Still, Crown Butte President Baylis called the delegation's "farce" in which environmentalists conspired with national park officials to exaggerate the impacts of the mine.

He said environmental groups sent out copies of the World Heritage Committee delegation's agenda at their own conference and then set out to disrupt the schedule in their favor.

"We have a seamless message coming from these groups and from government agencies that are replacing science and facts with a court of world opinion," he said.

CASPER "STAR-TRIBUNE"  
Tuesday, Sept. 12, 1995

NEW WORLD MINE

# Heritage panel defends visit

Critics: International group's deliberations on mine insult to U.S.

By CHRIS TOLLEFSON  
Star-Tribune staff writer

MAMMOTH HOT SPRINGS — On a day set aside for scientific and technical presentations before members of the World Heritage Committee, the politics of the proposed New World Mine was again in the forefront.

The committee spent most of the afternoon Monday, the last day of their visit to Yellowstone National Park, defending their presence, intentions and prior statements.

At a press conference at the end of the day, the committee said they are not taking sides at this point in the debate over the mine, and have not determined what recommendations they would make to the full World Heritage Committee at its December meeting.

The committee said it would prefer to wait before making a recommendation until the Forest Service re-

leases a draft environmental impact statement — as the Forest Service has recommended.

But if the DEIS is not released by the time of the Heritage Committee's December meeting, the group will make a recommendation on the mine

anyway, committee members said.

The full committee will decide whether to list Yellowstone as a World Heritage Site in Danger at a meeting in early December, based on information provided by the delegates who have been visiting the proposed mine site.

Park Service officials, who have

sponsored the committee's visit, have said that the World Heritage Treaty, as ratified by Congress, has the force and statutory authority of federal law.

Critics of the committee's visit have characterized it as unnecessary meddling in local affairs, and vowed not to cede U.S. sovereignty over the mine project to the international group.

Crown Butte Mines President Joe Bayliss, who had made presentations to the committee members and accompanied them on a tour of the mine site, called the entire visit "wrong and totally inappropriate" Monday.

That sentiment was echoed by U.S. Sen. Conrad Burns, R-Mont.

Burns had originally planned to testify in person, but instead sent a written statement in which he harshly criticized Park Service officials for their role in opposing the mine, "often without the facts, or even when the facts do not support the position."

Burns said in his statement that protections for buffer zones like those

Please see YELLOWSTONE, A8

'I recommend  
the heritage  
(committee)  
go on and let  
the U.S.  
handle this.'

FAT CHILDERS, ROCKY  
MOUNTAIN OR AND  
C&N ASSOCIATION

'We have been  
invited by the  
United States  
government,  
and we are  
not going  
home.'

BERND VON DROST,  
WORLD HERITAGE  
COMMITTEE

CASPER "STAR-TRIBUNE"  
Tuesday, Sept. 12, 1995

## YELLOWSTONE: Full Heritage Committee meets in December

Continued from A1  
addressed by the committee have been discussed — and rejected — by the U.S. congressional committee with jurisdiction over the convention.

World Heritage Committee Chairman Adul Wichiencharoen of Thailand said that other countries without specific domestic mandates to manage buffer zones observe the zones voluntarily when recommended by the World Heritage Committee.

"It's not a case of extending a buffer zone into a residential area ... but if there are areas that are not degraded, it can be managed in such a way that these values are protected," he said.

Burns spokeswoman Susan Brooke said that Burns has taken no positions on the merits of the mine.

"He is just asking that the United States process be allowed to proceed," she said.

Marathon Oil official Pat Childers, who is also president of the Park County Multiple Use Association, said his industry will pay the lion's share of taxes to finance impacts from the mine if Crown Butte does not come to an agreement with Park County to offset those impacts.

But he said that he was con-

fident the county commission would be able to reach a settlement. Speaking as a representative of the Rocky Mountain Oil and Gas Association, he said that the WHC should not be interfering with the NEPA process.

"I recommend the heritage (committee) go on and let the U.S. handle this," he said, calling it an insult to those lawfully complying with permitting processes.

"We are here in no way judging or interfering with the impact statement ... But (WHC designation) is a separate process," said WHC Executive Director Bernd Von Drost, explaining that his organization has a mandate to make such determinations.

"We have been invited by the United States government, and we are not going home," Von Drost replied.

Another Wyoming resident, Kathleen Jachowski of Cody, also called the committee's presence an insult to U.S. citizens. This provoked a testy response from Wichiencharoen, who said that the true insult was to think that American citizens can not handle scrutiny from the organization.

Crown Butte consultant and

former U.S. senator from Indiana Birch Bayh told the committee that aside from confrontation, the real issue is everyone's mutual interest in the park.

"As one who spent a whole lifetime working on environmental issues, it's hard for me to understand how I could be on the other side of this issue," he said, appealing to the environmental community to meet with him to find some common ground.

"My first reaction was 'my god, a mine close to Yellowstone,'" Bayh said, recounting a meeting he had with Crown Butte when the company offered to hire him. But he said when looking at the proposal, it struck him as a way to improve conditions near the park.

As one of the original founders of the National Environmental Policy Act, Bayh said the act was intended to follow an ecosystem management approach of the holistic nature requested. It must be allowed to run its course, he said.

"I would urge you to consider the possibility of taking some of the gold out of Henderson mountain and putting it to work cleaning up that area," he said.

**MONTANA'S BEST REMOTE**

**Billings Gazette**

**SUNDAY**  
September 10, 1995

**MAGAZINE**  
TODD FRIEDRICKSEN  
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74°  
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## ■ CROWN BUTTE PROJECT

# Panel: Park needs buffer zone

Delegation tours gold mine site

By MICHAEL MULLIN  
Gardner-Whitman Staff

COCKE CITY — An international delegation touring a proposed gold mine site in the National Park said the United States may be overlooking the environmental impact of the commitment it made, by signing a treaty with Thailand that gave administrative umbrella to the United Nations. "All these lands must have protection so that integrity is not threatened."

The president of the World

Herritage Committee said he is in-  
tended to visit the site during a Saturday tour of the site that they hope to improve on that integrity by clearing up old mining operations and to teach gold miners

But the international delegation asked officials to manage the surrounding back in a way that would protect the park, said Bernd von Dörrie, director of the National Park in Yellowstone. The global delegation, summoned by environmental groups,

"All these lands [around Yellowstone Park] must have protection so their integrity is not threatened."

—Adul Wislanchaon  
leader of the World Heritage Committee

United States in effect pledged to manage the surrounding back in a way that would protect the park, said Bernd von Dörrie, director of the National Park in Yellowstone. The global delegation, summoned by environmental groups,

by the mine, Wislanchaon also questioned the "pioneering" U.S. project. "The project is not a pioneer," he said. "It is a project by looking at the value of the park, and the project, agencies reviewing the park may miss broader ecological questions."

Wislanchaon said, "It is not a gold mine," von Dörrie said. "What we are doing with neighboring areas should enhance the value, not detract from it."

The committee drew praise from members of environmental groups. "This is a tour of the park," von Dörrie said. "It is a tour of the park, not a tour of the mine." (Moreau Park, Page 11.)

## Continued stories

## Park

## Front Page One

groups who want the World Heritage Committee to weigh in against the mine that would sit north of Cooke City. But it did little for officials of Crown Butte Mines Inc., the company behind the New World Project.

"There are facts but there is also philosophy at play here — we are trying to deal with science, not with 'lifer zones,'" said Crown Butte President Joseph Boyfs.

Tasty exchanges between environmentalists and Crown Butte officials laced the mine tour. No contest would company geologists describe their work to reclaim steep slopes ripped up by decades of mining. But much restoration is a near-hill possibility.

Crown Butte geologist Doug Parker described complex plans to direct water draining from the mine away from Yellowstone Park for treatment. Greater Yellow-

stone Coalition geologist Betty Stronck said polluted groundwater would seep out the old ways.

Yellowstone officials, along with the tour, demanded as much time to rebut Crown Butte's statements as company staff had to make them. A moderator insisted that each car making the bumpy trip around Henderson Mountain contain one Crown Butte official, one environmentalist and one representative of the World Heritage Committee.

It was the second day in the Yellowstone region for the four officials of the panel. They spent Friday and will spend Monday listening to detailed presentations about the mine proposal.

Formed by the 1972 World Heritage Convention, an international treaty signed by 116 nations including the United States, the World Heritage Committee is mandated to push for the protection of designated World Heritage Sites such as Yellowstone Park.

The body cannot require any action by a member nation. It can make suggestions. More notably, however, the original treaty may hold much fire since force in the

United States as do the nation's own laws.

A half-dozen environmental groups had asked the World Heritage Committee to examine the mine proposal to tell whether it warrants adding Yellowstone to a list of World Heritage Sites "in danger." Crown Butte officials worry the visit is an underhanded attempt to derail an environmental impact statement that will assess the mine.

But von Druxte said the panel will not make any decision on Yellowstone's status until a draft EIS is released as scheduled late this year.

While the U.S. Forest Service and Montana Department of State Lands are overseeing the EIS, environmental groups worry the two agencies will not give the project proper scrutiny. Representatives of the World Heritage Committee added their concerns.

The U.S. permitting process takes a "fragmented approach" to weighing the impacts of the mine, Wickenburg said. "Agencies are looking at the possible effects on groundwater, air, wildlife and other elements, he said, but not at the elements in context."

Some 12 million acres of national forest and wilderness that surround Yellowstone must be considered an extension of the national park if the whole system is to be preserved, he said.

Shipping mine tailings to a disjunct site in Wyoming where they would pose less hazard simply solves the problem, von Druxte said. Whether that is acceptable "is a policy issue of the first order of magnitude," he said.

Forest Service mine reviewer Greg Kujawa said the agency wants to avoid a finding by the World Heritage Committee that Yellowstone is "in danger." He pledged to address the panel's input with extra studies and mitigation measures, to minimize any danger from the mine, if necessary to avoid such a finding.

The Forest Service is moving toward a more comprehensive "ecosystem management" outlook, Kujawa said.

Following Kujawa, Terri Martinis of the watchdog National Parks and Conservation Association said that the Forest Service had protected ecosystems "we wouldn't have the problem."

EXHIBIT B  
Special Interest Letter  
February 28, 1995

NATIONAL PARKS AND CONSERVATION ASSOCIATION  
GREATER YELLOWSTONE COALITION \* AMERICAN RIVERS  
THE WILDERNESS SOCIETY \* SIERRA CLUB  
TROUT UNLIMITED \* NATIONAL WILDLIFE FEDERATION  
WORLD WILDLIFE FUND \* NATIONAL AUDUBON SOCIETY  
NATURAL RESOURCES DEFENSE COUNCIL \* MINERAL POLICY CENTER  
FRIENDS OF THE EARTH \* BEARTOOTH ALLIANCE  
CANADIAN PARKS AND WILDERNESS SOCIETY

February 28, 1995

Dr. Adul Wichiencharoen  
Chairman of the World Heritage Committee  
UNESCO, 7, Place de Fontenoy  
75700 Paris, France

Dear Dr. Wichiencharoen,

We are writing to encourage the World Heritage Committee to initiate an investigation to determine whether Yellowstone National Park should be included on the "List of World Heritage in Danger." Our recommendation is prompted by the extremely serious threats presented to the park and its larger ecosystem by the proposed "New World" gold mine just outside the northeast boundary of Yellowstone National Park. However, the danger from the New World Mine is exacerbated by many other threats to the park's internationally significant resources. We believe all of these factors merit your review.

The New World project has been appropriately described by the New York Times as a "calamity" threatening "the crown jewel of the American park system." ("No Mines Near Yellowstone," August 29, 1994) The mine would endanger three major watersheds of the Yellowstone River, imperil water quality in Yellowstone National Park, destroy important wildlife habitat for the threatened grizzly bear and other animals, and degrade the natural beauty and wilderness character visitors seek within and just outside the northeast corner of Yellowstone National Park. The park's Soda Butte Creek and Lamar River and their important riparian and wildlife values are immediately downstream from one of the primary sites under consideration for an enormous toxic tailings impoundment, with accompanying risks of severe damage from leakage or failure. As the Chief of the Branch of Resources at Yellowstone National Park said, "If you threw a dart at a map of the United States, and decided to put a gold mine there, it's probably the worst place possible."

Despite increasing information that confirms the real risk of environmental disaster, and an outpouring of national opposition, the project proponent is pushing ahead for permit authorizations. An environmental impact statement is currently under preparation, with a draft document expected as soon as summer 1995. Project proponents hope to receive authorization to begin work as soon as 1996.

An immediate investigation is critically needed to help ensure that the potential impacts and risks to the national and international values of Yellowstone National Park are broadly understood and averted. Rigorous assessment of the project and its consequences are needed to ensure that corrective or alternative actions which eliminate risks to Yellowstone, the world's first national park, are fully explored and adopted.

#### Yellowstone In Danger

The serious danger presented by the New World gold mine is made much more serious by the myriad threats already confronting the park which endanger its ecological integrity. Any evaluation by the World Heritage Committee should consider these problems, as well as those presented by the New World mine. Some key threats, described in more detail in attachments to this letter, include:

- \* The park's world renowned geothermal resources remain at risk from geothermal development and other subsurface drilling beyond park boundaries.
- \* Timber harvests, oil and gas development, road building, mining, home building and new population clusters continue to encroach on sensitive wildlands and important wildlife habitat which surround the park and on which the park's health and integrity depends.
- \* Destruction of habitat and increasing human-bear conflict jeopardizes the threatened grizzly bear.
- \* Bison from the once free-roaming herds within the park are routinely slaughtered if they cross park boundaries.
- \* Illegally introduced lake trout threaten to displace Yellowstone's native cutthroat trout, an important food source for grizzlies, and other small mammals and birds.
- \* An enormous pile of toxic mine tailings located only several miles upstream of Yellowstone's northeast boundary continues to leach heavy metals and acids into the park's Soda Butte Creek despite numerous cleanup attempts.
- \* Ever-increasing levels of visitation create problems related to over-crowding, including disturbance to wildlife, during winter as well as summer.

#### World Heritage Values At Risk

Yellowstone was listed as a World Heritage Site in 1978 in recognition of its outstanding universal significance and internationally significant natural phenomena. It was agreed that Yellowstone satisfied all four of the criteria for a natural heritage site, including the presence of "outstanding examples representing . . . biological evolution," "superlative

natural phenomena . . . [such as] outstanding examples of the most important ecosystems and areas of exceptional natural beauty," and "the most important and significant natural habitats where threatened species of animals or plants of outstanding universal value from the point of view of science or conservation still survive." The nomination specifically cited the park's "exceptional natural beauty," "watersheds and intact ecosystems that are unaltered by the activities of man," "wildlife, including grizzly bears . . . as well as the natural processes which affect their population and distribution and allow biological evolution to proceed with minimum influence by man." The nomination noted that "The area is essentially the same wilderness it has been since prehistoric times . . ."

The nomination implicitly acknowledged the ecological interdependence of Yellowstone and its surrounding lands, and directly recognized that protecting the integrity of Yellowstone National Park requires compatible management of surrounding forest service lands. The nomination acknowledges, for example, that some of Yellowstone's wildlife species "cannot be totally protected by the park" and that "buffer zones in the form of National Forests surround Yellowstone for added protection."

There has been increasing recognition of the ecological interdependence of Yellowstone and its surrounding forest lands as our understanding and appreciation of ecology has deepened. Yellowstone's current "Statement for Management," for example, states:

The greatest challenge now facing land managers in the greater Yellowstone ecosystem is integrating a variety of agency mandates and public needs in a way that will maintain the integrity of the largest nearly intact natural ecosystem in the temperate zone of the earth. . . . For a host of ecological reasons (some of which are only now beginning to be understood) it is not possible for managers in any part of the greater Yellowstone to manage their units in isolation. The time when national parks could be perceived as autonomous islands or when national forests were guided by uniform management direction wherever they were located is past. The evolution of an ecosystem management approach has been spurred by encroaching civilization as well as new scientific knowledge. Today, management of public and private lands with the greater Yellowstone ecosystem is inextricably entangled.

A welcome side effect of the growing realization that all parts of this ecosystem are interdependent has been the heightened recognition of the remarkable qualities of the lands that border Yellowstone National Park. The park itself, so long seen as a "crown jewel" of wild nature, was for many years viewed as being surrounded by lands that are somehow less "important." From an ecological perspective, the entire ecosystem has scientific and cultural values that are vulnerable to management actions in any portion.

Statement for Management, Yellowstone National Park, November 1991, pp. 39-40.

Unfortunately, the promise implicit in Yellowstone's World Heritage Site nomination to manage surrounding forest lands as "buffer zones" is not reflected in the actual



management of those lands, despite the recent language in the park's "Statement for Management." As a result, Yellowstone's special values are placed at risk by the New World Mine project. The proposed New World Mine site is located in the Gallatin National Forest, one of the national forest areas described in the nomination as "buffer zones" which purportedly provide "added protection" to Yellowstone. In reality, the proposed New World Mine imperils both the outstanding natural values that justified the inclusion of Yellowstone on the World Heritage list, and the surrounding lands on which the park's health and integrity depend.

#### New World Mine Project

The New World Mine project is proposed by Crown Butte Mines, Inc., a Montana-based subsidiary of the Canadian-based Noranda Inc, a multi-billion dollar, multi-national conglomerate. The "New World Mining Project" would be a 1,500 to 1,800 tons-per-day mining operation which would extract gold, silver and copper from underground ore bodies. The proposed mine site is located in the mountains upstream of Yellowstone National Park approximately 2.5 miles from the park's northeast boundary. The Absaroka-Beartooth Wilderness surrounds the project on the north, west and east. The mine site includes a mix of private patented mining claims and public National Forest lands.

The target ore body is located underneath Henderson Mountain, a triple watershed divide which forms the headwaters of Soda Butte Creek, the Clarks Fork River, and the Stillwater River, all tributaries to the Yellowstone River. Soda Butte Creek flows directly into Yellowstone National Park where it joins the park's pristine Lamar River. The Clarks Fork has been designated as a component of the National Wild and Scenic Rivers System. The Stillwater River flows through the Absaroka-Beartooth Wilderness Area.

The project would include an underground mine, ore processing mill, 75-acre toxic tailings impoundment, water treatment facility, a 68-mile-long powerline, and a ten-acre mobile home work camp. Mining facilities would be located at the 9,000 foot elevation in an area that receives over 30 feet of snow a year. Construction and operation of the project would necessitate construction and/or substantial upgrading of roads adjacent to Yellowstone National Park and the Absaroka-Beartooth Wilderness. The proposed mine would require an estimated 350 employees during construction and 175 during operation. The present year-round population of Cooke City, an adjacent local community, is less than 100 people.

#### New World Mine Threats

The New World Mine presents clear threats and significant risks to the waters, wildlife, scenic beauty and visitor experience of Yellowstone National Park and its surroundings. The plan to permanently impound 5.5 million tons of toxic mine waste at the site imperils water quality and related riparian and ecological systems. Leakage or catastrophic failure of the impoundment could devastate water quality and innumerable water-

dependent species in Yellowstone's Soda Butte Creek and Lamar River, the Clarks Fork Wild and Scenic River, or the Stillwater River, depending on where the impoundment is located.

The proposed tailings impoundment would cover an area of 75 acres to a depth of 10 stories deep. To avoid severe future environmental harm, the tailings impoundment must ensure stable containment in perpetuity. Yet the impoundment involves an experimental "subaqueous containment" design never used in the kind of extreme conditions and severe winter weather, including high seasonal run-off, avalanches and geologic instability, that exist at the high altitude New World site. Many experts question the ability to safely store mine wastes in perpetuity under these conditions.

The company's preferred impoundment site is a high subalpine meadow which drains into the Clarks Fork of the Yellowstone River, a designated Wild and Scenic River. Construction of the impoundment at this site would require destruction of 56 acres of rare high elevation wetlands and permanent diversion of Fisher Creek, a tributary to the Clarks Fork, around the tailings.

The primary alternative impoundment site under serious consideration is in the watershed of Yellowstone National Park. The site is located in the Soda Butte drainage, which flows into Yellowstone National Park just four miles downstream. A third alternative site is in the watershed of the Stillwater River, which flows through the Absaroka-Beartooth Wilderness.

If the impoundment is located in the Soda Butte drainage, Park Service scientists say that leakage or failure of the impoundment could be devastating to park waters. The effect of any accidental release of toxins from the impoundment would be exacerbated by the fact that substantial heavy metals already exist within the stream bottom sediments of Soda Butte Creek. These sediments are the legacy of past mining and milling activity upstream of the park, particularly a major tailings pile precariously "stabilized in place" directly in the flood plain of Soda Butte Creek. Park Service studies show that the release of acids into Soda Butte Creek from the New World project could react with the toxic metals settled in the sediments, creating a toxic environment that could kill fish and other aquatic life.

Similarly, ground and surface waters could be contaminated by acid drainage directly from the massive underground mine itself. The hydrogeology of the area is not well understood, but Park Service scientists believe that the highly fractured and faulted geologic structures may allow waters contaminated by mining to enter ground and surface waters flowing into Yellowstone National Park. Waters within the nearby Absaroka-Beartooth Wilderness and Clarks Fork Wild and Scenic River are also at risk.

The proposed mine site contains meadows, wetlands and conifer forests that provide habitat for grizzly bears, moose, elk, mule deer, bighorn sheep, birds and small animals. The area is considered particularly important to the endangered grizzly bear because it contains abundant white bark pine, a primary food source for grizzlies, and because it serves

as a migratory corridor between major drainages and territories. Similarly, the 68-mile transmission line, which requires a 50-foot-wide corridor cleared of all vegetation, will cut across an area important to peregrine falcons, grizzly and black bears, bighorn sheep, mountain goats, moose, mule deer and elk.

The destruction of wildlife habitat and displacement of wildlife is unavoidable. In addition, the influx of new residents into the area due to the mine is expected to increase hunting pressure on wildlife and illegal poaching within the park.

While the mine proponents say that the expected life of the mine is 12-15 years, the impacts will last much longer. Reclamation is considered extremely difficult if not impossible because of the high elevation and extreme weather conditions.

Mining operations will also degrade the wilderness character and solitude of the northeast corner of Yellowstone. The development of roads to provide year-round access for hauling ore from the mine, as well as the influx of mine workers in what is now a remote, sparsely populated area, will dramatically increase traffic and use in Yellowstone's northeast corner, now considered one of the most remote and beautiful areas of the park. The "Chief Joseph Scenic Highway" east of Yellowstone, a road that is presently part dirt and gravel and not snow-plowed in winter, would be plowed open year-round, inviting more winter traffic into Yellowstone. Park officials already report that increasing winter use may be adversely affecting wildlife and other resources and that each winter they receive more complaints from visitors about crowding, undesirable noise and exhaust odors. One park official noted that "The New World Mine has potential to change visitor use patterns in Yellowstone National Park more than anything else in the past 50 years."

Mining activities may also create noise intrusions into Yellowstone and degrade air quality.

#### Criteria For Inclusion On The List Of World Heritage In Danger

Article 8 of the World Heritage Convention provides for listing of a World Heritage Site on the "List of World Heritage in Danger" if it is threatened by "serious and specific dangers, such as the threat of . . . large-scale public or private projects . . ." The World Heritage Committee's Operational Guidelines elaborate, providing for the listing of natural properties if the "property is faced with major threats which could have deleterious effects on its inherent characteristics" such as "development projects . . . so situated that the impacts threaten the property." (Section 61)

We believe Yellowstone National Park meets these criteria, especially when one considers the cumulative effect of the proposed New World Mine and the myriad other challenges endangering the park.

### Inadequacy Of Existing Protections Underscore The Need For International Oversight

There is great danger that the existing statutory and regulatory framework which will guide decisions regarding the future of the New World Mine will prove inadequate to protect the World Heritage values of Yellowstone National Park and its larger ecosystem. This fact underscores the need for oversight and investigation by the World Heritage Committee.

Yellowstone is a designated unit of the National Park System administered under the National Park System Organic Act which mandates the protection of park units "unimpaired" and prohibits the "derogation" of their resources. The assertion of these legal mandates to prevent actions beyond park boundaries that could degrade park values, however, has traditionally been extremely limited. Thus, it is questionable whether the Organic Act will serve to protect Yellowstone from the impacts and risks presented by the New World mine.

Also problematic is the fact that the New World mining project is based largely on the presence of mining claims which, under the 1872 Mining Law, assume the status of private property rights. This archaic law -- the focus of a national reform effort -- grants mining companies an exclusive right to extract minerals from public land without a prior determination of the site's suitability for mining and without paying royalties to the United States government. Unfortunately, the 1872 Mining Law has meant that in the New World Mining District, as well as many other places in the United States, mining operations have been permitted to proceed without any prior determination of the suitability of the site for mining.

There is presently pending before the Secretary of Interior a legal challenge to Crown Butte's application to patent and mine 27 acres of the Gallatin National Forest. This area is a portion of the lands proposed for mining by Crown Butte. A favorable decision would not affect other valid existing mining claims, the development of which would threaten the Yellowstone ecosystem.

Numerous other federal and state water quality and mining laws apply to the proposed New World Mining project. But these laws are largely designed or administered to regulate only limited aspects of mining operations or impacts, and do not address the central problem posed by the New World Mine -- the clear unsuitability of the area for mining. Thus, there is great concern that existing law will fail to ensure that decisions regarding the mine will give adequate weight to the paramount importance of preserving Yellowstone's World Heritage values.

Finally, the World Heritage Committee's Operational Guidelines recognize the need to protect World Heritage Sites from incompatible activities beyond their boundaries and specifically recommend the establishment of "buffer zones" around protected properties. The nomination of Yellowstone National Park as a World Heritage site included suggestions that the presence of National Forest lands around Yellowstone provide for such a buffer.

The Committee's Operational Guidelines say:

When necessary for the proper conservation of a cultural or natural property nominated, a "buffer zone" around a property should be provided and should be afforded the necessary protection. A buffer zone can be defined as an area surrounding the property which has restrictions placed on its use to give an added layer of protection; the area constituting the buffer zone should be determined in each case through technical studies. Details on the size, characteristics, and authorized uses of a buffer zone, as well as a map indicating its precise boundaries, should be provided in the nomination file relating to the property in questions.

Paragraph 17, Operational Guidelines.

The nomination of Yellowstone National Park as a World Heritage site says:

Yellowstone National park is the fully protected core of a larger area of Federal lands surrounding it. Grand Teton National Park nearly adjoins Yellowstone on the south, while 5 national forests surround them as controlled buffer zones. The national forests are managed by the Federal government under multiple-use policies that are generally compatible with the preservation management of the National Park Service.

Page 12, Nomination of Yellowstone National Park as a World Heritage Site, December 8, 1977

Unfortunately, however, the grave threats posed to Yellowstone National Park by the proposed New World mine, as well as the myriad threats presented from other activities on adjacent forest lands, illustrate that these lands offer Yellowstone wholly inadequate protection from incompatible land uses. Indeed, many of the myriad threats confronting Yellowstone arise on Forest Service lands as a result of that agency's commodity production mandates.

In summary, there is substantial danger that the existing statutory and regulatory framework will fail to adequately protect Yellowstone National Park and its surrounding lands from adverse impacts due to mining at the New World site. This situation has led the Director of the National Park Service to observe, "It is quite possible that Noranda could comply with all Federal and state legal requirements regarding siting, operating, and reclamation of the mine but still have long-term and undesirable effects on the Yellowstone ecosystem."

#### Conclusion And Recommendations

Conservation history was made in 1872 when people thinking far into the future convinced the U.S. Congress to create Yellowstone National Park as this nation's and the world's first national park. Conservation history was made again when Yellowstone was

included on the World Heritage List in 1978, as one of the first two properties within the United States to be protected under the World Heritage Convention. We hope that the history of conservation will show that decision makers in the United States upheld the promise of these designations by taking actions to protect Yellowstone from the New World Mine and the other myriad threats facing the park. At present, however, the oversight and involvement of the World Heritage Committee is needed to help ensure that federal agencies in the United States fully understand and uphold their commitment to protect the internationally significant values of Yellowstone from harm.

It is for these reasons that we request that the World Heritage Committee initiate an investigation to determine whether Yellowstone National Park qualifies for inclusion on the "World Heritage in Danger" list. Furthermore, consistent with the procedures described in the Operational Guidelines, we urge you to develop and encourage the adoption of "a program for corrective measures" that can eliminate the threats which may justify listing.

We recommend that the Committee make its inquiries and express its concerns through participation in the environmental review process for the New World Mine. Your involvement could help ensure that the environmental impact statement under preparation fully assesses and considers alternatives which will avoid the impacts and risks posed by the New World Mine to the values justifying Yellowstone's designation as a World Heritage Site.

Finally, we strongly urge that the Committee initiate an investigation as soon as possible, preferably this spring and summer. This would allow a meaningful interface with the environmental review and decision making process now underway. Furthermore, first hand field tours of the site are really only possible during these fair weather months.

We would be pleased to assist you in any way appropriate. Please let us know if we can be of assistance.

Sincerely,



Paul C. Pritchard, President  
National Parks and Conservation Association



Mike Clark, Executive Director  
Greater Yellowstone Coalition



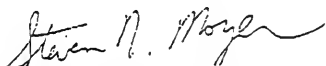
Rebecca Wodder, President  
American Rivers



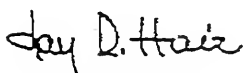
Jon Roush, President  
The Wilderness Society



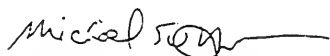
Carl Pope, Executive Director  
Sierra Club



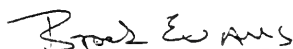
Steven N. Moyer, Director, Government Affairs  
Trout Unlimited



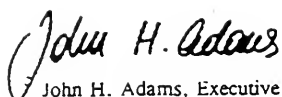
Jay D. Hair, President  
National Wildlife Federation



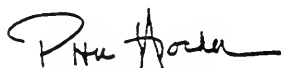
Michael Sutton, Vice President, U.S. Land and Wildlife Program  
World Wildlife Fund



Brock Evans, Vice President of National Issues  
National Audubon Society



John H. Adams, Executive Director  
Natural Resources Defense Council



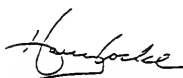
Phil Hocker, President  
Mineral Policy Center



Dr. Brent Blackwelder, President  
Friends of the Earth



Jim Barrett, Chair  
Beartooth Alliance



Harvey Locke, President  
Canadian Parks and Wilderness Society



cc: Dr. Bernd von Droste, Director  
World Heritage Center  
UNESCO, 7 Place de Fontenoy  
75700 Paris, France

Robert C. Milne  
Chairman of the Federal Interagency Panel for World Heritage  
Office of International Affairs (023)  
National Park Service  
P.O. Box 37127  
Washington D.C. 20013-7127

George T. Frampton, Jr.  
Assistant Secretary for Fish, Wildlife and Parks  
Room 3140  
Department of Interior  
1849 C Street, NW  
Washington D.C. 20240

Roger Kennedy, Director  
National Park Service  
P.O. Box 37127  
Washington D.C. 20013-7127

Mike Finley, Superintendent  
Yellowstone National Park  
P.O. Box 168  
Yellowstone National Park, WY 82190

EXHIBIT C  
von Droste Letter  
March 6, 1995



United Nations Educational, Scientific and Cultural Organization  
Organisation des Nations Unies pour l'éducation, la science et la culture

REF : WHC/74/533

6 March 1995

Dear Mr Frampton,

I am writing to you with respect to a letter from a group of North American conservation organizations, addressed to Dr. Adul Wichiencharoen, Chairman of the World Heritage Committee, and dated 28 February, 1995. The World Heritage Committee is the executive body of the Convention and is elected by its 140 States Parties. I note that a copy of this letter was sent to your office. The letter concerns the possible listing of Yellowstone National Park on the List of World Heritage in Danger.

The World Heritage Committee had been made aware of some of these concerns in a brief report by the United States Delegate to the July 1993 meeting of the World Heritage Bureau.

The fourteen organizations signing this letter are as you know among the most prestigious and influential in the field of natural resources conservation. We believe that the concerns they raise about the threats to Yellowstone must be carefully examined and addressed.

Included with their letter was a briefing book containing copies of correspondence from the Governor of Wyoming and Senator Bachus of Montana, each raises serious questions about the potential damage to Yellowstone National Park, in particular from the proposed mining operation. Similar letters of concern are provided from professional geologists, geomorphologists and hydrologists who have investigated the proposed mining operation. This correspondence is sufficient to raise considerable concern about the long-term sustainability of the World Heritage values of this World Heritage site.

From the report it appears that while a draft Environmental Impact Statement has been prepared, it did not resolve several major questions and many issues remain under review. Thus it would appear premature to reach any conclusions at this time.

The Honourable George T. Frampton Jr.  
Assistant Secretary for Fish & Wildlife & Parks  
United States Department of the Interior  
Office of the Secretary  
WASHINGTON, D.C. 20240  
USA

With respect to the List of World Heritage in Danger, there are no specific criteria. The Committee has the authority to place a site on the List of World Heritage in Danger when it is of the view that the World Heritage values for which the site was inscribed are seriously threatened.

The procedure for listing normally involves a monitoring report by the World Conservation Union (IUCN) in consultation with the State Party and the management authority responsible for the site. IUCN reports to the Bureau of the World Heritage Committee which meets in July and the Bureau makes a recommendation to the Committee, which usually meets in December of each year.

While we have taken note that the conservation organizations have requested that the World Heritage Secretariat involve itself in the EIS process, we simply are not staffed to do so. We would, however, be pleased to address these organizations on any aspects of the operation of the World Heritage Convention. We could also request IUCN as our technical advisors, to review the Environmental Impact Statement. We are confident that as the State Party responsible for the implementation of the Convention the essential professional skills are available to you.

It is important to note that Article 1 of the World Heritage Convention obliges the State Party to protect, conserve, present and transmit to future generations World Heritage sites for which they are responsible. This obligation extends beyond the boundary of the site and Article 5 (A) recommends that State Parties integrate the protection of sites into comprehensive planning programmes. Thus, if proposed developments will damage the integrity of Yellowstone National Park, the State Party has a responsibility to act beyond the National Park boundary.

Examples of the need to act beyond park boundaries are found at the Everglades National Park, Glacier National Park and Glacier Bay National Park, all World Heritage sites. In two of the sites the Government of British Columbia acted to close major mining operations rather than risk possible damage to downstream World Heritage values in both Canada and the United States.

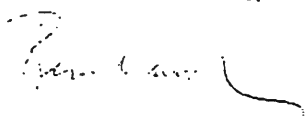
Clearly if there are threats to World Heritage values the State Party has a responsibility to act. If enabling legislation is not adequate, new legislation should be considered, as was the case in Australia with respect to the Tasmanian Wilderness World Heritage site.

The World Heritage Committee has the authority to act unilaterally in placing a site on the List of World Heritage in Danger. However, in the past the Committee has demonstrated a clear desire to work in consort with the State Party. In this respect we would appreciate receiving a comprehensive report on the situation in time for the meeting of the World Heritage Bureau to be held in Paris in early July. Such a report would enable the

Committee to give serious consideration to the listing of Yellowstone National Park on the List of World Heritage in Danger, should such a decision be warranted, at its nineteenth session to be held in December 1995.

The United States has an exemplary record in support of and in accordance with the principles and requirements of the World Heritage Convention. We look forward to continuing this cooperation.

Yours sincerely,



Bernd von Droste  
Director  
World Heritage Centre

cc.: Dr. A. Wichiencharoen, Chairman, World Heritage Committee  
Mr Paul Pritchard, President, National Parks & Conservation  
Association, USA

EXHIBIT D  
Frampton Letter  
June 27, 1995



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240  
June 27, 1995



A38(023)

Dr. Bernd von Droste  
Director  
World Heritage Centre  
United Nations Educational, Scientific and Cultural Organization  
7, Place de Fontenoy,  
75352 Paris 07 SP, France

Dear Dr. von Droste:

Your interest on behalf of the World Heritage Committee in United States actions and issues related to World Heritage is, at always, welcome. As you are aware, we strongly supported Director General Federico Mayor's initiative to create the World Heritage Centre as a semi-autonomous institution fully professionally staffed and capable of addressing both the requirements of the Committee and the properties on the World Heritage List. Your comments are in part a reflection of an achievement of this goal. I take this opportunity to congratulate you on your appointment as Centre Director and your very capable efforts to date.

With respect to the questions which you have raised regarding possible threats to the Yellowstone National Park World Heritage Site, Secretary Babbitt and I are informed of the non-governmental conservation group concerns as transmitted to the Centre. U.S. News & World Report magazine recently quoted the Secretary referring to the proposed New World Mine site to the effect that: "Placing a giant mine just across the boundary from Yellowstone is a bad idea, pure and simple." Further, the Canadian mining company in question has a long history of environmental compliance problems both in Canada and the United States.

In light of the potential adverse impacts on Yellowstone, it is extremely important that a thorough and detailed impact analysis of the situation be performed. Considering the national and international significance of Yellowstone, and in compliance with the World Heritage Convention and Public Law 96-515, the United States must assume full responsibility for assuring the integrity of World Heritage values is not compromised by adverse environmental actions taken either internal or external to World Heritage Site boundaries.

Dr. Bernd von Droste

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The Secretary and the National Park Service have clearly expressed strong reservations with the New World Mine proposal. In this instance, the National Park Service is a designated cooperating agency with the U.S. Forest Service and the Montana Department of State Lands in the required Environmental Impact Statement (EIS) process. While President Clinton has said publicly that he wants to see the highest level of environmental analysis employed so that the impacts can be accurately determined, it is unclear whether several specific concerns of the Department of the Interior and the National Park Service, of other agencies, and of the conservation community will be taken into account in the EIS process. For example, the National Park has requested that there be a full analysis of tailings disposal outside the Greater Yellowstone ecosystem. In addition, complete aquifer analysis is critical for assessing possible environmental effects of the proposed mine. The U.S. Forest Service and the State of Montana have not agreed to this level of analyses.

Until the scope and nature of the analyses are better defined and the matter is satisfactorily resolved without jeopardizing the values of Yellowstone, we believe that a potential danger to the values of the Park and surrounding waters and fisheries exists and that the Committee should be informed that the property as inscribed on the World Heritage List is in danger.

We are unable to comply with your request for the preparation and delivery of a comprehensive report on the status or threats to the Yellowstone World Heritage Site in time for the early July meeting of the World Heritage Bureau. However, there is clearly the need for a thorough and detailed evaluation of all the factors. For that reason, a first hand preliminary monitoring review by representatives of the international community prior to the completion of our analyses would be particularly useful. Therefore, I wish to suggest that you and/or other representatives of the Committee, and, in particular, the World Conservation Union (IUCN) make an interim assessment of the New World Mine proposal and the related Environmental Impact Assessment process for the benefit of the Committee and report the findings to the Bureau and the full Committee during the December 1995 General Session.

I would suggest this visit would be best made during late summer 1995. By this time initial data can be collected and at least partially evaluated by technical and professional personnel. Further, I would hope that the occasion of an international visit would be used to meet with representatives from the non-governmental conservation organizations, citizens' groups and the mining company, as well as appropriate Federal and State agencies, including the National Park Service, U.S. Forest Service, U.S. Environmental Protection Agency and the Montana Department of State Lands.

Dr. Bernd von Droste

3

In addition, and in conjunction with non-governmental participation, we are providing to the Committee, under separate cover, additional periodic status and monitoring reports on other U.S. World Heritage Sites in which the Committee has indicated a particular interest and concern. These include updated reports on Everglades, Taos Pueblo and Redwood World Heritage Sites, as you have requested.

Other materials being forwarded to the Centre include the "Report by the Bi-National Working Group on the Glacier - Waterton International Peace Park" requested by the World Heritage Bureau, the revised World Heritage nomination for that property requested by the Committee, and the detailed technical response to the preliminary review of the nomination by IUCN. The United States and Canada have every confidence that these joint materials will receive a thorough and objective review and full consideration by the Bureau. After over a decade of State Party responsiveness to requests from the Committee and IUCN recommendations, it is our hope that this matter will be favorably resolved in the near future.

I look forward to learning whether an international assessment visit to Yellowstone will be possible. Thank you for your past assistance and your consideration of this proposal.

Sincerely,

George T. Frampton, Jr.

George T. Frampton, Jr.  
Assistant Secretary for Fish and Wildlife  
and Parks

cc: U.S. Permanent Observer Delegation, UNESCO  
Ray Wanner, IO/DOS

EXHIBIT E  
Baylis Letter  
June 29, 1995



CROWN BUTTE MINES, INC.  
New World Project

June 29, 1995.

H.E. Professor Dr. Adul Wichiencharoen  
Chairman  
Intergovernmental Committee for the Protection  
of the World Cultural and Natural Heritage  
UNESCO  
7 Place de Fontenoy  
75700 Paris  
FRANCE

Your Excellency:

On February 28, 1995, Mr. Paul C. Pritchard, President of the National Parks and Conservation Association ("NPCA") and Mr. Mike Clark, Executive Director of the Greater Yellowstone Coalition wrote to you on behalf of their organizations and other environmental groups requesting *the World Heritage Committee to initiate an investigation to determine whether Yellowstone National Park should be included on the "list of World Heritage in Danger"*.

We have been informed that the Bureau of the Committee at its meeting in Paris next week, under your distinguished chairmanship, will consider this request. In order to assist your deliberations, we have prepared a brief which provides a detailed description of our company's New World Project.

We submit that the annexed brief demonstrates that our mining project does not in any way constitute an ascertained or potential danger which threatens Yellowstone National Park. In our respectful submission, in applying any of the criteria set out in the Operational Guidelines for the Implementation of the World Heritage Convention, you can only conclude that the Park should not be included in the list of World Heritage in Danger because of the New World Project.

Crown Butte believes that your Committee should stay consideration of the NPCA submission until the U.S. permitting process has been completed. Crown Butte has participated fully and openly in the exacting U.S. federal and state permitting process. We have been under the microscope of over twenty (20) federal and state agencies. We have put our faith in the process because it is a fair and appropriate process which will result in an ultimate decision based on fact and not on rhetoric. It is expected that a draft environmental impact statement prepared by these agencies will be issued shortly. Once issued, there will be a period of public




as a result of the permitting process, a draft environmental impact statement will be issued shortly.

Crown Butte would be pleased to provide you and your colleagues on the Committee as well as designated representatives of IUCN, ICOMOS or ICCROM with any further information which you deem necessary to assist you in your deliberations. Furthermore, should you at any time decide to send a mission of qualified observers to visit our property, we would be pleased to cooperate with you and assist with necessary arrangements.

We recognize the very important role which your Committee fulfils in the implementation of the Convention concerning the protection of the world cultural and natural heritage. We sincerely believe that our New World Project will enhance the environment in and abutting Yellowstone National Park, not harm it. We hope our brief and this letter contribute relevant and pertinent facts to the debate.

Yours respectfully,



Joseph Baylis  
President

JB/mn  
Enclosure

cc: Mr. James Thorsell  
Senior Advisor to the National Heritage Programme

OVERVIEW

## Crown Butte Mines - New World Mine Project

Crown Butte Mines of Missoula, Montana owns the New World Mine Project near Cooke City, Montana. The company has applied for permits to construct and operate an underground mine in Henderson Mountain and related surface facilities for the production of gold and other metals. An Environmental Impact Statement (EIS) is currently being prepared under the leadership of the Montana Department of State Lands and the U.S. Forest Service. More than 20 other state and federal agencies are cooperating in the EIS which has been ongoing for nearly three years.

Crown Butte Mines supports this permitting process, even though it has been costly and protracted. We have cooperated fully and openly. We have been urging that the EIS process be permitted to proceed carefully and deliberately to its conclusion without outside interference or political pressure. We believe the EIS should be based on the requirements of the law and a determination should be reached on the basis of facts. As will become apparent from the following information, the facts are that the New World Mine Project will not harm Yellowstone National Park or the Greater Yellowstone ecosystem. Further, the facts indicate the New World Mine Project will significantly improve the greater Yellowstone ecosystem.

In an effort not to be argumentative, but rather to engage in a meaningful and productive dialogue on this important and worthwhile topic, Crown Butte Mines will address the specific claims against the New World Mine which were contained in the submission of the National Parks and Conservation Association ("NPCA") which has been referred to the World Heritage Committee on February 28, 1995 by Mr. Paul C. Pritchard, President of NPCA.

First, the submission states that the New World Mine will "...degrade the natural beauty and wilderness character visitors seek within and just outside the Northeast corner of Yellowstone National Park." This statement implies that the project area is a pristine wilderness. Crown Butte concurs with those who believe that Yellowstone National Park is a pristine area. However, the Henderson Mountain area most assuredly is not. The area around Henderson Mountain has been a source of mining activity since before President Grant established Yellowstone as a national park. This area has been mined extensively from the 1870s to the late 1950s and shows the scars of poorly planned mining. There are abandoned open-pit mines and historic underground mines which have been leaching into all of the surrounding watersheds; and mill footings and other trash

leaching into all of the surrounding watersheds; and mill footings and other trash clutter the landscape. Currently, 250,000 tons of abandoned mine tailings from previous mining operations have been deposited adjacent to Soda Butte Creek which flows into Yellowstone Park. Every day, these tailings leach into the Creek, thence into Yellowstone Park. Congress specifically excluded this area from the Wilderness designation of Absaroka-Beartooth Wilderness in 1978 for two reasons. It does not have the natural appearance of a wilderness area, and the geological survey indicated significant mining activity and mineral potential.

Second, the submission states that the New World Mine "...would endanger three major watersheds of the Yellowstone River [and] imperil water quality in Yellowstone National Park." As stated in the previous discussion, the three major watersheds referred to in the submission are already subjected to acidic runoff because of previous mining activity in the area and naturally occurring acidic runoff. In fact, today, the first three miles of Fisher Creek are biologically dead. As will be demonstrated later, the New World Mine operation will dramatically improve the quality of water in the surrounding streams and rivers. Specifically, the New World Mine Project site is located exclusively within the Fisher Creek watershed. Fisher Creek flows away from Yellowstone Park. For water from the Fisher Creek Basin to reach the Park or streams such as Soda Butte Creek and the Lamar River that flow into the Park, it would have to flow uphill over Henderson Mountain.

More importantly, a portion of headwaters of Fisher Creek is biologically dead today. During the New World Mine operation, all water flowing through Fisher Creek will be collected and treated. This will allow the three miles of Fisher Creek, which is currently uninhabitable to fish and other aquatic life, to recover biologically. This should also improve the water quality of Clarks Fork of the Yellowstone.

It should be noted that a report from the State of Montana Department of Health and Environmental Sciences Water Quality Division, on April 3, 1995, stated that the New World Mine "...will result in improved water quality." The state's analysis also considered the positive impact of the New World Mine Project on the Clarks Fork of the Yellowstone.

Third, the submission warns of "...risks of severe damage from leakage or failure" of the proposed tailings impoundment. The tailings impoundment has been variously described as a "giant toxic lake" and "an environmental time bomb waiting to explode toxic wastes over some of America's most beautiful landscape and waterways." The New World Mine proposal does include the utilization of a tailings impoundment in close proximity to the mine and mill site. Because few people have bothered to study the impoundment facility's location, nature, structure and redeeming qualities, it has become a lightning rod for the opposition.

A careful examination discloses that the impoundment facility is more than a fundamental feature of the mining operation. It also is a critical element of the New World Mine environmental reclamation and enhancement program which will have a significant positive impact upon the greater Yellowstone ecosystem.

Tailings are what remains after the precious metals have been removed from the pulverized ore. Half of the tailings created during the mining operation will be put back into the mine and sealed in a manner which will ensure that there is no acid mine drainage in the future. Some of the tailings will be utilized to plug and seal old mines in the area, thereby eliminating acid-mine drainings from these abandoned projects. The remainder of the tailings will be stored permanently in an impoundment adjacent to the mill in a manner which will insure that all tailings placed in it, will retain their alkaline character. The impoundment is designed to employ well-proven containment technologies and is engineered to withstand more than "worst case" flooding and seismic events. It is located out of the main avalanche zones.

The containment embankment will be founded on solid bedrock and will be constructed from competent crushed rock compacted in controlled lift thicknesses to produce a strong, durable and flexible structure particularly appropriate for the seismic activity anticipated at the site. A similar design was utilized in the construction of the Hegben Lake Dam which withstood a magnitude 7.5 earth quake in 1959. An adjoining mountain crumbled, but the dam remained intact.

Within the impoundment, a highly effective composite liner system will be constructed. This liner system will consist of a minimum 12" layer of compacted low-permeability, naturally occurring clay directly overlain with a high density polyethylene (HDPE) liner which is identical to the liners approved by EPA for use at many Superfund sites where some of the nation's most hazardous materials are stored. The HDPE liner itself will be protected from the elements and from damage by a protective layer of crushed and screened fine rock.

As an added precaution, a comprehensive system of drains beneath the entire impoundment will enable groundwater flow, together with any potential seepage, to be regularly monitored and, if necessary, treated to meet stringent discharge standards.

It is a scientifically proven fact that sulfide bearing rock cannot create acidic conditions if oxygen is not present. The tailing facility will be closed with a multi-layer rock cap composed of a minimum of two feet of low-permeability rock overlain by two feet of high-permeability rock. The rock layers will be placed onto a layer of organic material (to consume oxygen) and covered at top and bottom with a geofabric material. The cap will be topped off with a two-foot-thick vegetation layer

suitable for returning the area to a wetland. Crown Butte Mines has worked closely with Dr. Ray Brown of the U.S. Forest Service to ensure the area can be revegetated into high quality wetlands.

It should be emphasized that tailings stored in the impoundment facility are not in and of themselves acidic. They are highly alkaline (pH10) when stored. The tailings impoundment is designed to prevent them from becoming acidic. Tailings have a consistency of damp sand. Before the final topsoil layer is added to the impoundment facility, the damp tailings will be packed repeatedly by heavy equipment into a damp, semi-solid static state.

In conclusion, permit me to emphasize one of the most important, yet least understood features of the New World Mine Project. To be sure, the New World Mine will be a commercial, hopefully profitable enterprise. However, Crown Butte Mines is irrevocably committed to taking all steps necessary to ensure that the New World Mine will be an example for all to see of how a modern day gold mine can be operated in a safe, environmentally sensitive manner. To summarize the mine's positive environmental contributions:

- Fisher Creek, now biologically dead for three miles, will be revitalized and made inhabitable for fish and other aquatic life, thus improving the water quality of Clarks Fork of the Yellowstone.
- The New World Mine mining process will provide tailings for backfilling and closing off all of the historic underground mine workings. This will permanently stop the acid mine drainage which is occurring from these old mines, today.
- Presently, 250,000 tons of abandoned tailings from an old mine have been deposited upon the bank of Soda Butte Creek, creating acid drainage into the creek which flows into Yellowstone Park. This threat to the Park can be eliminated by removing these tailings from the bank of Soda Butte Creek and storing them in the New World Mine tailings impoundment. In effect, the tailings impoundment will make it possible to clean up and eliminate the most dangerous source of continuous acid-mine drainage which threatens the Yellowstone National Park today.
- Since 1989, Crown Butte Mines has been involved in the comprehensive reclamation and environmental clean-up of several abandoned mine sites (McClaren Pit, Como Pit, Glengarry Dump, headwaters of Fisher Creek and others) in the Henderson Mountain area. Mountainsides, defaced by open pit mines, have been reclaimed and recontoured. Dan McLaughlin, New World Mine Project manager, has been working closely with the U.S. Forest Service and their

and varieties of seeds and grasses which can be grown at the 9,000 foot altitude and above. As a result, plants are growing on what, before, had been barren slopes. This activity will not only result in a more beautiful and natural landscape, but also will significantly lessen the soil erosion and acid drainage which has continued for years. Also, abandoned and rusting equipment, scrap metal, and trash from past operations is being removed to enhance scenic beauty. The U.S. Forest Service has recognized Crown Butte Mines with an award for the environmental work performed in the Henderson Mountain area.

### Summary

Crown Butte is committed to responsible development of the New World Project. We are confident that the EIS process will bear this out

We believe that the EIS process should not be prejudged. Only after the EIS is complete will the facts about our project have been documented by the teams of federal and state regulators involved.

Crown Butte shares the World Heritage Committee's interest in and desire to protect Yellowstone National Park. The New World Project is a means for doing just that. We respectfully request, therefore, that the Committee stay consideration of the submission made by the National Parks and Conservation Association, the Greater Yellowstone Coalition and other participating environmental groups until the EIS process is completed.

Crown Butte Mines recognizes the important role which the World Heritage Committee fulfils in the implementation of the Convention concerning the protection of the world's cultural and natural heritage. We sincerely believe that the New World Project will enhance the environment in and around Yellowstone National Park, not harm it.

EXHIBIT F  
Baylis Letter  
August 15, 1995



CROWN BUTTE MINES, INC.

August 15, 1995

Dr. Bernd von Droste  
Director  
World Heritage Centre  
United National Educational, Scientific and Cultural Organization  
7 Place de Fontenay  
75352 Paris 07 SP  
France

Dear Dr. von Droste:

I am writing to you concerning the visit by experts from the World Heritage Centre and International Union for the Conservation of Nature to Yellowstone Park in early September. We had until recently understood that the mission would be a fact-finding trip looking at our proposed mining project and a host of other issues affecting the Park. Accordingly, you can imagine our surprise when we learned today that the proposed agenda goes far beyond fact-finding and apparently goes as far as to include a full public meeting and tour. These by definition are bound to become forums for rhetoric and emotion and not fact or reason. As well, this agenda that has been proposed by the National Park Service appears to focus entirely on our project as opposed to Yellowstone Park.

We believe that your visit at this time has been orchestrated by opponents of the project in an effort to derail the Environmental Impact Statement (EIS) process that has been ongoing for over two and a half years. This, unfortunately, will place your organization in an adversarial relationship with the domestic EIS process as set down by the National Environmental Policy Act (NEPA).

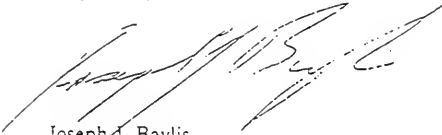
As noted in our June brief to Professor Dr. Adul Wichienchareon, we are confident that our mining project does not in any way constitute an ascertained or potential danger which threatens Yellowstone National Park or the Greater Yellowstone ecosystem. The proof of this, will of course, be the EIS process in which Crown Butte has participated. More than twenty state and federal agencies including the Park Service are involved. A draft of this document will be available this fall for public comment.

1 Adelaide St. E. • Suite 2902 • Toronto, Ontario, Canada M5C 2Z9  
Telephone: (416)982-7460 • Facsimile: (416)982-7388

Assuming that the purpose of your mission is fact-finding, we will be available to meet with your delegation privately to explain the details and answer your questions about our project. To enable us to prepare for your visit and to make the best use of your time, we would appreciate receiving copies of the briefing book that you have received as well as copies of the letters of concern that were referred to in your letter of March, 1995 to Assistant Secretary Frampton, (a copy of which was provided to us by the Park Service). Would you also kindly provide us with a copy of your itinerary, participating World Heritage representatives and their technical credentials so that we can make the necessary arrangements and can make sure that the appropriate technical staff are available to meet with you. I also note that we have not yet received an acknowledgment to our brief of June 29, 1995.

We recognize the very important role which your Committee fulfills in the implementation of the Convention concerning the protection of the world cultural and natural heritage. We sincerely believe that our New World Project will enhance the environment in and abutting Yellowstone National Park. Our opponents have generated a great deal of controversy through the use of rhetoric and misinformation. If you continue to feel your visit should precede the release of the draft EIS, it is our hope that our meetings with you can be conducted quietly and rationally without the media attention generated by special interest groups.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Joseph J. Baylis', written in a cursive style.

Joseph J. Baylis  
President



EXHIBIT G  
Baylis Letter  
August 25, 1995



**CROWN BUTTE MINES, INC.**  
New World Project

August 25, 1995

George T. Frampton, Jr.  
Assistant Secretary for Fish and Wildlife and Parks  
United States Department of the Interior  
Office of the Secretary  
Washington, D.C. 20240

Dear Mr. Frampton,

We want to express our deep concern over the Park Service's proposed agenda for the Yellowstone visit of the World Heritage Committee. In our view, the agenda seeks to establish a parallel forum to U.S. domestic law, NEPA and the EIS process presently judging Crown Butte's New World Project.

Crown Butte has spent three years with more than 20 state and federal regulatory agencies including the Park Service, in a detailed EIS process. We have dealt openly and fairly with the Park Service and cooperating agencies working towards a draft EIS. All this was done to ensure that the agencies, assigned under NEPA to ensure the integrity of the process, have the necessary information to prepare a thorough and valid EIS. It is this fact-based process, with its full opportunity for public involvement, that should serve as the determining factor on the permitting of the New World Project.

We do not feel that you or any government official or cooperating agency should propose or lead a process alternative to NEPA and ultimately, the EIS. We believe that the Park Service plan with respect to the World Heritage Committee visit, at this stage of the EIS process, is both improper and misguided.

We take great exception to the following statement you put in your letter of June 27, 1995, to the World Heritage Committee: "...It is unclear whether several specific concerns of the Department of the Interior and the National Park Service, of other agencies, and of the conservation community will be taken into account in the EIS process..." Are you suggesting that NEPA is a weak or poor law?


Crown Butte Mines continues to have confidence in the open and exhaustive EIS process to assess our project technically, factually and as prescribed by law. We cannot participate or condone any actions that undermine the legally constituted NEPA process.

We strongly believe that the agenda proposed by the Park Service constitutes a great disservice to the people of Montana, Wyoming and all those with interests in Yellowstone National Park. It also undermines the NEPA process established by Congress and the hard work already done by the State of Montana and the federal agencies.

Notwithstanding the foregoing, we have corresponded with the World Heritage Committee and advised that if their mission is for fact-finding purposes, Crown Butte will extend the courtesy of a site tour and briefing in an environment that will allow for a fact-based information exchange.

We would consider participation in a format for discussion that does not relinquish the rights of domestic American regulatory authorities to protect the Park. However, before doing so, we must be convinced as part of the normal EIS process and have your assurances that the activities of the World Heritage Committee will not undermine, or prejudice the NEPA process that we are legally obliged to follow. We believe that any public comment session with respect to the New World Project should be handled in the normal EIS process.

Regards,



Joseph J. Baylis  
President

cc. Michael Finley  
Superintendent, Yellowstone National Park  
Administration Building  
Yellowstone National Park  
Mammoth, WY 82190

Governor Marc Racicot  
Capitol Building  
Helena, MT 59620

Dave Garber  
U.S. Forest Service  
Gallitan National Forest  
10 East Babcock  
Bozeman, MT 59715

Sherm Sollid  
U.S. Forest Service  
Gallitan National Forest  
10 East Babcock  
Bozeman, MT 59715

**EXHIBIT H**  
**"Yellowstone Hearing" Agenda**

**TENTATIVE SCHEDULE**

**WORLD HERITAGE DELEGATION TOUR**  
**YELLOWSTONE NATIONAL PARK**  
**SEPTEMBER 7-11, 1995**

**Thursday, September 7:**

- Delegation arrives; activities and briefings TBA

**Friday, September 8:**

- Welcome and introduction by Yellowstone National Park Supt. Mike Finley
- Briefing by Crown Butte Mines, Inc. on mine proposal
- Briefing by federal and state agencies (may include the following):
  - National Park Service
  - U.S. Environmental Protection Agency
  - U.S. Forest Service
  - U.S. Army Corps of Engineers
  - Montana Division of State Lands
- Briefing by conservation group representatives on mine threats to Yellowstone:
  - National Parks and Conservation Association
  - American Rivers
  - Beartooth Alliance
  - Greater Yellowstone Coalition

**Saturday, September 9:**

- All-day tour of proposed mine site:
  - industry, conservation group, and agency representatives

**Sunday, September 10:**

- No scheduled activities. Delegation may tour Yellowstone.

**Monday, September 11:**

- Presentations by individuals with scientific and technical expertise

**NOTE: Members of the Press Are Invited**  
**to Participate in All Tour Activities. For more information, call**  
**Marcia Karle or Cheryl Matthews**  
**Yellowstone National Park**  
**307/344-2015**

## INP PUBLIC AFFAIRS

OPTIONAL FORM NO. 10-900

## FAX TRANSMITTAL

1 of pages 1

To <u>Jim Hayes</u>	From <u>Marsha Karle</u>
Organization <u>Crown Butte</u>	Phone # <u>307-344-2015</u>
Fax # <u>406-838-2385</u>	Fax #

## AGENDA FOR WORLD I

Individual Scientific/Te

Monday, September 11, 1995

Mammoth Hot Springs Hotel Map Room

NPS 7540-01-317-7048 5009-101 GENERAL SERVICES ADMINISTRATION

EACH PARTICIPANT WILL BE ALLOWED 10 MINUTES FOR THEIR PRESENTATION  
FOLLOWED BY 5 MINUTES FOR QUESTIONS FROM THE WORLD HERITAGE  
COMMITTEE REPRESENTATIVES

- 8:30 a.m. - Tony Barnosky, Moderator
- 8:35 a.m. - Robert Smith, Engineering Consultant, Wildlands Federation
- 8:50 a.m. - Ken Pierce, Geologist, Retired USGS
- 9:05 a.m. - Jim Howard, Geophysical Surveyor, Independent
- 9:20 a.m. - Dave Mattson, Wildlife Biologist, University of Idaho
- 9:35 a.m. - Allan Kirk, Senior Project Manager, Schafer and Associates

9:50 a.m. - BREAK

- 10:00 a.m. - Lee Rozakalis, Hydrologist, Hydrosphere
- 10:15 a.m. - Don C. Lawson, Geologist, Retired MT Mining & Minerals
- 10:30 a.m. - Tom Gerald, Economic Consultant, Independent
- 10:45 a.m. - George Furniss, Geologist, Graduate Student, Univ. of Montana
- 11:00 a.m. - Ralph Glidden, Local Historian
- 11:15 a.m. - Senator Conrad Burns

11:30 a.m. - LUNCH

- 1:00 p.m. - Tony Barnosky, Moderator
- 1:05 p.m. - Irving Friedman, Geologist, Retired USGS
- 1:20 p.m. - Dennis Glick, Wildland Planner, Greater Yellowstone Coalition
- 1:35 p.m. - Franz Camenzind, Wildlife Biologist, Independent
- 1:50 p.m. - Doug Parker, Hydrologist, Permitting Manager, Crown Butte Mine  
OR Dan Stanley, Project Geologist, Crown Butte Mine
- 2:05 p.m. - Doug Rogness, Hydrogeologist, Maxim Technologies
- 2:20 p.m. - Pat Childers, Regulatory Compliance Coordinator, Marathon Oil Company

2:35 p.m. - BREAK

- 2:50 p.m. - Kathleen Jachowski, Regional Geographer, Independent
- 3:05 p.m. - Birch Bayh, Consultant, Crown Butte Mine
- 3:20 p.m. - Paul C. Jones, Professional Engineer, Natural Resource Development
- 3:35 p.m. - Betty Stroock, Geologist/Geochemist, Greater Yellowstone Coalition
- 3:50 p.m. - Closing Remarks - Mike Finley, Yellowstone National Park

4:00 p.m. - MEDIA OPPORTUNITY

EXHIBIT I-1  
Jones Presentation  
September 11, 1995

PRESENTATION TO THE WORLD HERITAGE COMMITTEE  
MAMMOTH EVENT CENTER, YELLOWSTONE NATIONAL PARK  
SEPTEMBER 11, 1995

Good Morning Ladies and Gentlemen:

My name is Paul C. Jones. I am President of Natural Resources Development Company, a privately owned mineral oriented consulting firm, and two mineral development firms, all located in Golden Colorado. I received a Bachelor of Mining Engineering Degree from the University of Minnesota, am a Registered Professional Engineer in the States of Oklahoma and Texas. I have over 33 years experience covering exploration, engineering, operations and corporate management in the mining industry in North and South America. In addition I belong to and have held leadership positions in several mining organizations, including the American Institute of Mining Engineers, Society of Exploration, Mining and Metallurgical Engineers, the Mining and Metallurgical Society of America, the Colorado Mining Association, and the Northwest Mining Association.

For the record, I do not hold any economic interest in the New World Project nor am I an employee of, or a consultant to, any company involved in its development. I address you as a member of the mining profession in the United States who is concerned about certain aspects of the permitting process related to the New World Mine.

An environmentally successful mining operation must be based upon the following factors:

- \* Proper and adequate environmental baseline information upon which to develop mining and reclamation plans;
- \* Proper engineering design of all facilities. Such design should fit both the process and the project site;
- \* The development of an adequate, but workable, set of permits to regulate the mining and reclamation operation;
- \* Adequate quality control of project construction;
- \* Adequate regulatory enforcement by the appropriate agencies;
- \* Not allowing external factors interfere with site permitting, construction and regulation; and
- \* Correcting problems, if and when they occur, in a timely manner.

In the last three days you have heard much information, some of it fact and some of it opinion, regarding the proposed New World Mine. Saturday I accompanied your group on a briefing and tour of the proposed project sponsored by Crown Butte Mines, Inc. At this briefing and subsequent tour of the site, Crown Butte employees and their project consultants provided the group with significant factual information which has been developed to show the project can be implemented in an environmentally sound manner. Significant information has been developed by the company, and various state and federal agencies to support this conclusion.

However, the process is not complete - the Draft Environmental Impact Study has not been issued. It is premature for anyone, including the World Heritage Committee, to determine at this time whether the mine should be permitted and constructed. Such a decision should be only made after the Environmental Impact Statement (EIS) has been published by its coordinating agencies - the U.S. Forest Service and the Montana Department of State Lands.

As proposed by Crown Butte the New World Mine will be a 1,200 to 1,500 ton per day underground mine and mill located in the Fisher Creek valley, entirely outside the Yellowstone National Park drainage system. The mine will process the ore produced using proven milling processes of gravity separation and flotation which has been used world-wide for over 100 years. Cyanide will not be used in the milling process making New World one of the few, if not only, gold mine in the United States not to use the chemical.

Approximately 50% of the waste rock, or tailings, will be used as cemented backfill in the mined out area, thus filling all mining voids created by mining. This will provide mine support in addition to minimizing the effect of the underground workings on groundwater flow. The remaining tailings will be placed in an environmentally safe tailings disposal facility for final burial.

As you were told Saturday by the principal of the firm designing the tailings facility, the facility will be a "state of the art" engineered facility designed as a sub-aqueous burial facility - in other words, the tailings will permanently be buried with water filling all interstitial spaces to prevent oxidation of any sulfide material in the tailings. This facility will be designed to withstand an earthquake event in excess of that conceivably anticipated for the site. In addition, the facility will include an underdrain system, a multiple underliner to prevent release of moisture in the tailings into the groundwater system, and capped with a multi-layer cap composed of a reductant (carbon layer to defer surface oxidation), a impervious layer to prevent upward or downward percolation of water out of or into the tailings, and a engineered ground soil layer for final reclamation.

Existing naturally occurring and acid mine drainage from upper Fisher Creek will be used as a portion of the mine water supply, thus improving the current effects this drainage has downstream from the site. In addition, any water produced by the mine will also be used as process water. The New World Mine will be subject to the terms and conditions of an National Pollution Discharge Permit (NPDS) for all off site water discharges, both during operations and after operations are completed. As such any water discharged from the site must meet Clean Water Act standards. Such water treatment - including treatment in the post mining period - has been successfully addressed in numerous mines both in the United States and elsewhere using proven technology. In addition several state regulatory agencies in addition to the U.S. EPA have developed passive treatment processes for use post mine water treatment which may be considered for the site.

The gold and copper concentrates will be shipped off site for further treatment using over the highway trucks - estimated by the company at five, twenty ton loads per day.

Several technical questions appear to remain unresolved in the ongoing EIS process. Of primary concern is the effect the project might have on the Miller Creek-Soda Butte Creek Drainage which flows into the Yellowstone National Park.

Crown Butte Mines has not proposed to build the mine-mill complex in the Miller Creek-Soda Butte Creek drainage. However, an alternative site in the drainage is being considered in the EIS process. Clearly any such proposed mine-mill site suggested to be located in the Miller Creek-Soda Butte Creek drainage should be rejected. Siting a facility in this drainage is inappropriate when there exist more appropriate site locations outside the Yellowstone Park watershed.

The effect of the proposed mine on the groundwater hydrology of Miller Creek deserves further study which - I understand from visiting with Crown Butte and Forest Service officials - is ongoing. At present the source of a portion of surface water flowing into Miller Creek consist of springs along both sides of the valley. Those springs on the northeast side are mostly believed to be related to north-south oriented splay-faults. Water flows down-dip along bedding planes of the Park Shale or the Meagher Limestone either to outcrop or to an intersection with a fault and thus along the fault to a surface interception. The western edge of Miller Creek orebody is approximately 800 feet northeast of the outcrop of its enclosing Meagher Limestone in the Miller Creek Valley. The effect of mining the Miller Creek Orebody may have some localized effect on the springs flowing into Miller Creek.

Mining of the Homestake Orebody will have significantly less effect upon the Miller Creek groundwater hydrology since that orebody is several hundred feet further to the northeast than the Miller Creek Orebody. Separating the two orebodies is a significant interval of Homestake Dacite Porphyry and late dacite dikes, both intrusive bodies with very poor permeability. Faulting in the area is perpendicular to the direction to outcrop, thus not likely providing groundwater paths from the Homestake Orebody to the Miller Creek drainage. Details of the effects of this geology as it relates to the ground water hydrology will be addressed in the ongoing above mentioned study.

It is my opinion, based upon over 33 years of experience in the mining industry, that the proposed New World Mine can be constructed, operated, and eventually closed and reclaimed in an environmentally responsible manner without adversely effecting our premier national park - Yellowstone. The technology exists today to do this, Crown Butte Mines, Inc. has publicly demonstrated a commitment to make such an effort, and the appropriate state and federal regulatory agencies appear committed to fulfilling their role in this ongoing regulatory process mandated by the National Environmental Protection Act (NEPA). If this process is allowed to continue its mandated course, I believe an environmentally responsible mining operation meeting the criteria I outlined at the beginning of my presentation can become a reality and be a "good next door neighbor" to Yellowstone National Park.

It concerns me greatly that the timing of your visit will do irreparable harm to the NEPA process in the United States and to the good will between the citizens of the U.S. and your organization. The statement of Dr. von Droste Saturday about the "greater good" over-riding our NEPA process - in other words that World Heritage Committee action should take precedence over United States law - gives me great concern.

The statement published on page one of the Billings Gazette yesterday morning (Sunday, September 10, 1995) quoting, Dr Wichiencharoen, the honorable Chairman of the Committee and Delegate from Thailand, as recommending the implementation of a 18 million acre "protection zone" around Yellowstone is, in my humble opinion, totally out of order. This statement indicates the Committee Chairman, if not the Committee itself, has reached a conclusion related to the issue - a conclusion made before your visit is completed, all evidence has been heard, and most importantly, a conclusion made before the NEPA process concerning the project has been completed.

Such statements to the press by some members of the delegation imply a Committee action on the issues without the consideration or concurrence of your entire Committee. These ill timed statements also, in effect, interfere with internal United States policy. This should not be, and I'm sure is not, the intent of the United



Nations Educational, Scientific, and Cultural Organization (see letterhead of Dr. Von Droste's letter dated 6 March 1995 to Mr. Frampton) mandate under which your Committee operates. At best, by making such public pronouncements you are unfortunately allowing the good offices of your Committee to be used for publicity in an internal debate in the United States.

I thank you for the opportunity to make this presentation to your Committee.

Paul C. Jones, President  
Natural Resources Development Co.  
1019 8th Street  
Golden, Colorado 80401  
Phone 303-277-1222  
Fax 303-277-0006

September 11, 1995

EXHIBIT I-2  
Jones Letter  
October 4, 1995

PAUL C. JONES  
Registered Professional Engineer  
1019 8th Street, Rm. 306  
Golden, Colorado 80401

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October 4, 1995

Dr. Bernd von Droste  
Director  
World Heritage Centre  
7, Place de Fontenoy  
75352 Paris 07 SP  
FRANCE

Re: Data Concerning New World Mine, Cooke City, Montana USA

Dear Dr. von Droste:

Monday, September 11, 1995 at your public meeting at Mammoth Hot Springs - Yellowstone National Park I indicated I would send to you factual data comparing Galactic Resources, Ltd. Summitville Mine located in southwestern Colorado to that planned for the New World Mine near Cooke City, Montana.

As you will recall I indicated that I am Chairman of the Colorado Mining Association's Summitville Task Force and mining industry representative on Colorado Governor Roy Romer's Summitville Advisory Committee. This committee consist of representatives of various interest groups such as local citizen groups, representatives of county governments, aides of state and federal legislators, environmental groups and the mining industry.

Enclosed is an article titled "Summitville and Beyond" which I presented at the Northwest Mining Association Conference in December 1993. This article presents a general overview of the situation at the Summitville Mine, describes major technical concerns which resulted from the operations of the operator - Galactic Resources, Ltd., and describes lessons learned by industry and the regulatory community from the experience (I enumerated these lessons in my presentation to your panel on September 11th.)

Dr. Bernd von Droste  
New World Mine Project  
Cooke City, Montana USA  
October 4, 1995  
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Also enclosed is U.S. Geological Survey Bulletin No. 2220 titled "Environmental Considerations of Active and Abandoned Mine Lands - Lessons from Summitville, Colorado" to which another speaker (Tom Gerald) referred on September 11th. This bulletin, written by professional staff members of the U.S. Geological Survey, provides an excellent, unbiased overview of the environmental related geological aspects of Summitville Mine.

The Summitville Project was a 10,000 ton per day open pit mine-cyanide heap leach operation located at an elevation of 11,500 feet above sea level in an area of the San Juan Mountains of southwestern Colorado which receives up to 350 inches of snow each winter.

The project developed several major problems during construction and operation:

- 1) The liner of the heap leach pad was torn during construction and never repaired. This caused the heap leach pad to leak cyanide solution throughout the life of the operation.
- 2) Approximately 6.5 million tons of high sulfide waste material were placed in an unlined valley fill over a spring producing fault zone, thus producing considerable acid mine drainage. This facility was not included in the initial plans or permit.
- 3) The water balance for the project indicated a negative water balance (the project would require more water than it produced) when, in reality, the project was water positive. This error of design required water to be discharged throughout the life of the mine.
- 4) Historic mine drainage, principally from the Reynolds Adit, was significantly exasperated by the open pit being connected with the old underground workings. This acted as a "funnel" for snow melting in or near the pit being routed into and through the underground workings and out the Reynolds Adit.
- 5) Finally, the mine did not have an adequate closure and reclamation plan and was grossly under-bonded for closure.

The first four problems mentioned above, coupled with the state and federal regulatory authorities lowering the water quality

Dr. Bernd von Droste  
 New World Mine Project  
 Cooke City, Montana USA  
 October 4, 1995  
 Page 3

discharge standards during operations, created severe problems ultimately forcing the mine owner into bankruptcy. Each of these complicating problems at Summitville were a result of design flaws, construction management errors, less than adequate regulatory monitoring of construction and operations, or management problems. Careful design, diligent management, and proper regulatory monitoring can prevent the occurrence of such problems in the New World Project.

The New World Mine is designed and will be permitted as a 1,200-1,500 ton per day underground mine which will use a gravity concentration-flotation ore beneficiation process to recover the gold and copper from the ores. The underground areas which are mined will be backfilled with a cemented tailings (mill waste) material, thus minimizing ultimate ground water flow and the amount of tailings placed in the sub-aqueous tailings facility to be constructed adjacent to Fisher Creek below the milling facilities.

While the two projects both mine gold-copper sulfide ores, there are more differences between the projects than similarities. A brief outline of specific comparisons of the proposed New World Project and the Summitville Mine is provided below.

#### BASIC TYPE of MINING and MILLING OPERATION:

New World Project The New World Project is a planned 1,200 to 1,500 ton per day underground mining operation producing a gold-copper sulfide ore from a replacement deposit in a limestone and a separate gold-copper sulfide ore from an intrusive breccia pipe. Ore will be beneficiated using gravity concentration of a portion of the gold, followed by flotation of the copper sulfide-gold ore. No cyanide will be used in the beneficiation process. Approximately fifty percent (50%) of the waste material, or mill tailings, will be used as cemented backfill in the underground workings of the mine while the balance of the tailings will be permanently stored in a double lined, sub-aqueous tailings pond located below the beneficiation facility.

Summitville The Summitville Mine was an open pit mining operation producing about 10,000 tons per day of gold ore from an oxidized Tertiary intrusive orebody formed above a vein structure. This vein structure was periodically mined by underground methods from 1870 through the 1930's. In addition to the 10,000 tons of ore produced each day, an additional 15,000 tons of waste rock was removed daily. This resulted in over 15 times the anticipated

Dr. Bernd von Droste  
 New World Mine Project  
 Cooke City, Montana USA  
 October 4, 1995  
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daily production of the New World Project being produced each day at the Summitville Mine during the life of that operation.

Approximately 9.5 million tons of ore were leached during the project life, using a cyanide solution, in one large heap leach pad located east of the mine pit. Approximately 6.5 million tons of sulfide rich waste rock was stockpiled in a spring fed drainage upslope and to the west of the heap leach pad. This waste material was leached by natural oxidation as the material came into contact with surface and spring waters producing a large amount of low pH, highly mineralized solution. The heap leach pad developed a leak in the liner during construction. This leak caused an ongoing problem of cyanide solution being discharged beneath the leach pad throughout the life of the operation. This cyanide solution was collected beneath the heap leach facility and returned to the process, or treated prior to discharge.

#### GEOLOGIC CHARACTER OF OREBODY:

New World Project The Miller Creek orebody is a gold rich copper sulfide replacement deposit of Tertiary age located in the Meagher Limestone. The Homestake orebody is a gold rich copper sulfide breccia filling in a Tertiary breccia pipe consisting of limestone and igneous rock fragments. The breccia pipe occurs within an unoxidized igneous intrusive (dacite porphyry) rock extending several hundred feet to the west to a contact with the Meagher Limestone. Neither orebody has been mined previously.

Summitville The Summitville orebody consisted of a low grade gold ore occurring in a highly oxidized Tertiary igneous intrusive stockwork. Beneath the oxidized zone, a near vertical high gold bearing copper sulfide vein structure was mined by underground methods by early day miners from the 1870's through the 1930's. Several old underground mine workings occur in the open pit walls and pit floor.

#### HISTORIC MINE DRAINAGE:

New World Project The area upstream (Fisher Creek) from the proposed minesite and on the adjacent drainage to the west (Miller Creek Drainage) was mined from the 1860's through the mid-1950's by both open pit and underground methods. Crown Butte has partially reclaimed some of these areas and proposes to reclaim others as a

Dr. Bernd von Droste  
 New World Mine Project  
 Cooke City, Montana USA  
 October 4, 1995  
 Page 5

part of their mining activity. The Gold Dust Adit in upper Fisher Creek is currently discharging a maximum of 50 gallons per minute of water with a low pH and high heavy metal content. This water will be used in the proposed milling operation. Mining activities will not involve this adit or area.

Summitville Underground mining of the vein deposits below the present day open pit occurred from the early 1870's through the mid-1930's. Two major adits, the Reynolds-Dexter and the Chandler, were driven in the late 1890's to access ore in these vein structures. The Reynolds Adit discharged about 300 gallons per minute of water with a very low pH and high metal content from the very earliest days of mining. Both adits have recently been plugged creating seeps and springs around the base of the hillside adjacent to the adit areas.

#### ELEVATION of OPERATIONS:

New World Project The adit and mill are to be located at an elevation of 8,950 feet above sea level. The tailings facility is to be located at about 8,800 feet. Snowfall at the site averages up to 150 inches annually.

Summitville The open pit is located at an elevation of 11,500 feet above sea level. The heap leach pad is located at about 11,000 feet. Snowfall at the site totals 350 inches per year.

#### OWNERSHIP:

New World Project Crown Butte Mines, Inc. is a wholly owned U.S. subsidiary of Crown Butte Resources, a Canadian company.

Summitville Summitville Consolidated Mining Company was a wholly owned U.S. subsidiary of Galactic Resources, Ltd., a Canadian company.

While both the New World Project and the Summitville Mine are gold mines, as the above description indicates there are many significant differences in setting, geology, mining method, and metallurgical recovery processes used. Much was learned by industry and the regulatory community from the problems incurred at Summitville. These lessons provide excellent guidance for the

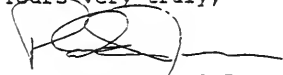
Dr. Bernd von Droste  
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Cooke City, Montana USA  
October 4, 1995  
Page 6

successful design and implementation of future mining operations such as the New World Project, not prohibitions against such projects in the future.

I would respectfully submit that, using the lessons learned at Summitville, the New World Project can be designed and constructed in an environmentally sensitive and acceptable manner.

If you have questions regarding the above information, please contact me at your convenience.

Yours very truly,

A handwritten signature in black ink, appearing to read 'P. C. Jones', with a long horizontal line extending to the right.

Paul C. Jones, P.E.

Enclosures:

"Summitville and Beyond", P.C. Jones, NWMA, December 1993

"Environmental Considerations of Active and Abandoned Mine Lands -  
Lessons from Summitville, Colorado", U.S. Geological Survey  
Bulletin No 2220, 1995

**EXHIBIT J**  
**Minutes of World Heritage Meeting**  
**December 5, 1995**

Distribution limited

WHC-95/CONF.203/16  
 9 December 1995  
 Original: English/French

**UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL**  
**ORGANIZATION**

**CONVENTION CONCERNING THE PROTECTION OF THE**  
**WORLD CULTURAL AND NATURAL HERITAGE**

**WORLD HERITAGE COMMITTEE**

**Nineteenth session**  
**Berlin, Germany**

**4-9 December 1995**

**REPORT**



trees including redwoods (*Sequoia sempervirens*) greater than 16 inches in diameter. The modification of the original proposal, in which 750 old-growth redwoods would be removed, illustrates a success in protecting World Heritage values and integrity.

The Committee commended the State Party for the action taken to prevent the destruction of about 750 redwood trees requested that the World Heritage Centre be kept informed of future developments with respect to the project.

#### Yellowstone National Park (United States of America)

The Committee recalled that Yellowstone National Park was inscribed on the World Heritage List in 1978 and that it was the first National Park in the world. It furthermore recalled that the Bureau discussed the potential threats to Yellowstone at its last session in July 1995. The Bureau had requested a joint mission to the site to review the situation. The mission was carried out in September 1995 by the Chairperson of the World Heritage Committee, representatives of the World Heritage Centre, and a representative of IUCN's Commission on National Parks and Protected Areas (CNPPA). During this mission, three days of public discussions took place and many technical reports were received from industry, governments and NGO's.

The Representative of the United States noted that the Assistant Secretary of the Interior, in a letter dated 27 June 1995, wrote that "the Committee should be informed that the property as inscribed on the World Heritage List is in danger." In a follow-up letter dated 1 December 1995, the Assistant Secretary provided an update on the situation. The Representative of the United States further noted that the State Party is taking a number of positive steps to address key issues. The National Environment Policy Act (NEPA) requires a thorough and detailed environmental impact study (EIS), of the ~~Hot Springs~~ ~~Geothermal~~ ~~Geothermal~~ Mine proposed *by a multi-national consortium.*

At the moment nine possible alternatives are being considered. The EIS draft is expected in late January 1996 and further public and government review will last another year. He stated that the State Party does not consider action by the Committee to be an intervention in domestic law or policy. The State Party agreed to keep the Committee fully informed with respect to actions to be taken.

During the site visit it became clear that threats to the Park were ascertained in relation to endemic Yellowstone cut-throat trout as well as with respect to the sewage leakage and wastes contamination in certain areas of the Park. Other issues related to road construction and visitor pressures year-round. In addition, potential threats included impacts on the quantity and quality of

surface and ground-water and other past and proposed mine-related activities. A potential threat to the bison population is related to proposed control measures to eradicate brucellosis in the herds. The State Party noted that all of these concerns would be thoroughly analyzed and mitigation measures and management plans developed as appropriate. Corrective actions will be taken as necessary.

During the discussion it was noted that whether the State Party should grant a permit to the mining company or not is entirely a domestic decision of the State Party. It was further stated that there is no wording in the Convention or the Operational Guidelines which could lead to an interference in sovereignty. It was also noted that even if the State Party did not request action, the Committee still had an independent responsibility to take action based on the information it had gathered. The Convention was referred to as an emergent tool to assist all States Parties in conservation.

After considerable discussion the Committee decided the following:

On the basis of both ascertained dangers and potential dangers, the Committee decided that Yellowstone National Park be placed on the List of World Heritage in Danger and that the Committee should request continuing reports on the results of the EIS and mitigating actions being taken to ensure in due course the removal of the site from the List of World Heritage in Danger.

#### Ha Long Bay (Vietnam)

The Committee recalled that the site was inscribed on the World Heritage List in 1994 and took note of a report presented by IUCN. The report outlines two potential threats to the site: (a) a new port is to be developed in the Bay which would route large transport ships through the site, and (b) a license for a large floating hotel at the site which would have further impacts on the heavy tourist pressures in the Bay.

The Delegate of Japan provided further information concerning financial support for the project from Japanese aid agencies for an amount of US\$ 100 million. He underlined that the case is still under consideration and that ecological impacts of this project will be evaluated. The final decision has not been made, however, the project is seen as important for the further economic development of Vietnam. The Delegate of Canada outlined the problem of private companies involved and referred to Article 6.3 of the World Heritage Convention, that "Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the

**EXHIBIT K**  
Special Interest News Release  
December 5, 1995

- ♦ National Parks and Conservation Association ♦  
♦ American Rivers ♦ Beartooth Alliance ♦  
♦ Greater Yellowstone Coalition ♦

**FOR IMMEDIATE RELEASE: December 5, 1995**

**CONTACTS:**

National Parks and Conservation Assoc.: Kathy Westra, 202/223-6722, ext. 121  
American Rivers: Randy Showstack, 202/547-6900, ext. 3012  
Beartooth Alliance: Sue Glidden, 406/838-2234  
Greater Yellowstone Coalition: Bob Ekey, 406/586-1593

**YELLOWSTONE DECLARED "IN DANGER"**  
**"ASCERTAINED AND POTENTIAL" THREATS TO WORLD'S FIRST**  
**NATIONAL PARK CITED BY INTERNATIONAL COMMITTEE**  
*Conservation Coalition Hails Decision*

Berlin - The World Heritage Committee today voted to add Yellowstone, the world's first national park and a World Heritage Site, to the international list of "World Heritage in Danger." The Committee concluded that the proposed New World gold mine, along with threats to the park's native cutthroat trout, bison, grizzly bears, and geothermal resources, constituted both "ascertained dangers and potential dangers" to Yellowstone that warranted its addition to the list. A coalition of 14 conservation groups, organized in February to call for the "In Danger" listing, hailed the decision, while expressing sorrow that one of the world's most treasured resources is at risk.

"Today, the world has affirmed what we have said repeatedly: that Yellowstone is in jeopardy and the proposed New World mine is a significant part of that threat," said Paul C. Pritchard, President of the National Parks and Conservation Association (NPCA), which organized the coalition to call for a World Heritage Committee investigation of the mine and other park threats. "It is our hope that the Committee's findings will help America redouble its efforts to protect this global treasure. We should begin by stopping the New World Mine," Pritchard said.

"This designation is a source of sorrow, not of pride. It demonstrates we need to work harder to protect Yellowstone," said Mike Clark of the Greater Yellowstone Coalition, a leading regional conservation organization. "The World Heritage Committee's decision is one of many voices that has expressed concern about this proposed gold mine. Whenever anyone views this mine - whether local citizens, President Clinton, or a panel of international conservationists -- they all conclude this mine could harm Yellowstone National Park."

"We are heartened by the decision to place Yellowstone on the list of World Heritage In Danger because now the whole world is watching. The international community has joined President Clinton and many others in expressing the deepest concern about the proposed, notorious New World gold mine," said Thomas Cassidy, General Counsel for American Rivers, the nation's principal river

conservation organization. "Today's decision reaffirms our view that a mine which endangers Yellowstone should not be developed. Noranda and the other financial backers of this mining scheme should abandon this project."

"The world's conservation leaders validate what local residents have been saying for years: this mine threatens Yellowstone," said Jim Barron of the Beartooth Alliance. "Anyone who takes a close look at the situation will come to the same conclusion." The Beartooth Alliance, based in Cooke City, Montana, is a group of citizens who live and work near Yellowstone and who led the grassroots fight against the New World Mine.

The World Heritage Committee comprises 21 representatives elected from 142 governments that signed the World Heritage Convention, an international treaty ratified by the U.S. in 1973. The Committee is an autonomous organization wholly separate from the United Nations. The treaty provides for the designation as World Heritage Sites both natural and cultural areas of "outstanding universal value to mankind" which have been nominated by host countries. The treaty also provides for the listing of sites facing "potential" or "ascertained" danger on a list of "World Heritage in Danger."

As a signatory to the treaty, the U.S. has committed to "do all it can...to the utmost of its resources" to ensure the "protection, conservation, presentation, and effective transmission to future generations" of Yellowstone and other U.S. World Heritage Sites.

In 1978, at the request of the U.S. Government, Yellowstone National Park was among the first 12 sites in the world listed as "World Heritage Sites" by the committee. It now is one of about 100 natural World Heritage Sites around the world. Others include the Galapagos Islands, Australia's Great Barrier Reef, and the Serengeti Plains of Tanzania. Other World Heritage sites in the U.S. include Independence Hall, Everglades National Park, Grand Canyon National Park, Great Smoky Mountains National Park, Olympic National Park, and Redwood National Park.

The Committee's decision to add Yellowstone to the list of World Heritage In Danger in no way affects jurisdictional or management responsibility for the park. This remains with the park superintendent as the representative of the U.S. government. Similarly, listing Yellowstone does not affect decision-making authority over the proposed New World Mine or other issues affecting the park. Decisions regarding the future of the mine will be made by the State of Montana and federal agencies involved in the permitting process.

The decision to declare Yellowstone "In Danger" is, however, a powerful expression of world opinion and concern about the integrity of the park. It serves to bring worldwide attention to the threats confronting the park.

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*Note to reporters: A copy of the coalition's February letter to the World Heritage Committee is attached.*

## PREPARED STATEMENT OF GEORGE T. FRAMPTON, JR.,

Mr. Chairman, Members of the Committee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 3752, the American Land Sovereignty Protection Act. It is our view that this legislation would impose inappropriate and unwise restrictions on the ability of federal agencies to work cooperatively with states and other levels of government to achieve the benefits of international recognition for U.S. conservation sites, and that it would, if enacted, significantly reduce the recognized leadership and influence in global conservation which our nation has earned in the eyes of the world. We strongly oppose this bill, and will urge, should it reach the President's desk, that it be vetoed.

Mr. Chairman, the short answer to the question posed in your June 25, 1996 Dear Colleague letter: "Is Boutros Boutros Ghali Zoning Land in Your District?" is "No." This Administration has no intention of ceding sovereignty over U.S. lands to international organizations, nor have the five previous administrations, both Republican and Democratic, which have participated enthusiastically in the international conservation agreements targeted by your bill.

H.R. 3752 is an attempt to fix alleged problems which do not exist. It would unnecessarily encumber successful land management and research efforts for some of our most significant natural and cultural resources. Many of these lands have been preserved by law in the United States as national parks and they should continue to be recognized as some of the most significant natural and cultural resources in the world. They include, to name a few: our first national park, Yellowstone; the complex cave and karst system of Mammoth Cave National Park; and the Indian cliff dwellings at Mesa Verde National Park.

Mr. Chairman, I would like to address some of the concerns that prompted this hearing and your proposed legislation. First, international agreements, such as the World Heritage Convention, have in no way been utilized to exclude Congress from land management decisions, nor do they have the ability to do so. Second, the nomination processes for the international conservation designations in question are generally consultative and are usually based on demonstrated initiative and commitment at the local level. Third, international site recognitions defer land use decisions to the local management entity, whether it be federal, state, or local governments, tribes, or private property owners, subject to the domestic laws in place. The United Nations does not have any authority to affect federal land management decisions within the United States. Finally, international site recognitions do not restrict land use or stop economic growth. To the contrary, World Heritage sites and U.S. Biosphere Reserves have been embraced in many local areas as value-added designations, increasing partnership among federal, state and local governments, and private property owners for mutual benefit and have additionally contributed to notable increases in international tourism, especially vital to rural economies.

H.R. 3752 would unduly restrict the existing legal and administrative framework for implementation of important U.S. commitments to international environmental cooperation which have up to this point enjoyed consistent bipartisan support. The bill would specifically limit the executive branch's discretion by amending the pertinent sections of the authorizing legislation for the World Heritage Program (Historic Preservation Act Amendments of 1980), but also specifically addresses biosphere reserves and generically many other international environmental listing programs.

The bill would require express authorization by Congress of any future nomination of federal sites for inclusion in the World Heritage List. It would instruct the Secretary of the Interior to object to the inclusion of any property (including private lands) in the U.S. on the List of World Heritage in Danger, absent authorization by a Joint Resolution of Congress. Finally, it would also establish similar Congressional authorization processes for the biosphere reserve designations, again excluding non-federal lands, and for practically all other international listing programs that relate to the terrestrial or marine environment (presumably including cultural properties). This bill does not accomplish any new protections for American land sovereignty. Rather, it encumbers what are now effectively administered programs that fulfill our commitment to environmental leadership in the world.

Section 5 of H.R. 3752 would, if enacted, require the executive branch to obtain explicit statutory approval before nominating, classifying, or designating "any lands owned by the United States and located within the United States for a special restricted use under any international agreement..." Likewise, such nominations, classifications, or designations under an international agreement would have no force or effect unless such actions were specifically authorized by a state or local law (for lands owned by a state or local government) or were consented to in writing by the owner (for privately owned lands.)

These restrictions would apply to, and encumber, federal land use decisions beyond those explicitly mentioned in other sections of the proposed legislation. The term "international agreement," as used in Section 5, includes "any treaty....and any foreign entity....having a primary purpose of conserving, preserving, or protecting the terrestrial or marine environment, flora or fauna." This definition would apply, *inter alia*, to the bilateral migratory bird treaties in force between the U.S. and, respectively, Canada, Mexico, Japan and the Russian Federation, which are intended to further the conservation of migratory avifauna. Thus the Section 5 limitation on nominations, classifications, or designations of land could affect the implementation of the treaty in force between the U.S. and the Russian Federation, which calls for each party to:

Identify areas of breeding, wintering, feeding, and moulting which are of special importance to the conservation of migratory birds within the areas under its jurisdiction. Such identification may include areas which require special protection because of their ecological diversity or scientific value....Each Contracting Party shall, to the maximum extent possible, undertake measures necessary to protect the ecosystems in those special areas described on list number I against pollution, detrimental alteration and other environmental degradation.

With respect to the legal effect of the international designations at issue, what the Congressional Research Service said in its May 3, 1996 report on the "World Heritage Convention and U.S. National Parks" holds true for all these international designations: "The Convention has no role or authority beyond listing sites and offering technical advice and assistance."

The federal government has made this point on numerous occasions. For example, in a March 20, 1996 letter to a Regional Forester of the U.S. Forest Service, the Solicitor of the Department of the Interior wrote the following:

....As a party to the World Heritage Convention, the United States has undertaken "to take the appropriate legal, scientific, technical, administrative, and financial measures necessary for the identification, protection, conservation, presentation, and rehabilitation" of natural and cultural heritage features designated in U.S. territory. In our view, this obligation is discharged entirely within the framework of the appropriate U.S. and state laws. Therefore, the World Heritage Committee's recent decision...does not impinge in any way on the United States' sovereignty and does not, in our view, supplant the orderly legal process established under United States law for the evaluation of development proposals.... The Committee itself noted...that "whether the [United States] should grant a permit to the mining company or not is entirely a domestic decision of the [United States]."

The case of "biosphere reserves," established in connection with UNESCO's Man and the Biosphere program, similarly admits no international control of U.S. lands. Indeed, the charter document for the UNESCO program clearly states that "Biosphere Reserves, each of which remain under the sole sovereignty of the State where it is situated and thereby submitted to State legislation only, form a world network in which participation by States is voluntary." (As used in this quote the word "State" refers to sovereign nations.)

The World Heritage Convention, a foreign policy initiative of the Nixon Administration, has been a cornerstone of U.S. international environmental foreign policy for nearly a quarter century. The U.S. played a conspicuous leadership role in drafting of the Convention and was the first signatory in 1973, following Senate ratification. Although 146 nations now participate, the U.S. has continued its leadership role, twice serving as chair.

It is noteworthy that, even in the context of its decision to withdraw from UNESCO, the Reagan Administration opted to remain active in World Heritage and promulgated the program regulations, still in force, that made the program fully operative in the U.S. In 1992, Secretary Manuel Lujan hosted the meeting of the World Heritage Committee, the second time in the Committee's 20 years of active work that it has met in the U.S. Some might find it ironic that an international cooperative conservation program in which U.S. participation was first sponsored by the Nixon Administration, and which was supported firmly by the Reagan Administration, would be criticized as a step toward "one-world government" during the Clinton Administration.

In our view, U.S. participation in the World Heritage Convention and other international conservation agreements, has benefitted parks and adjacent communities, and has been helpful to U.S. foreign policy objectives. The "national park" idea and the World Heritage Convention, originating a century apart, were American ideas that have now been universally acclaimed and accepted by virtually every nation. Their widespread acceptance is a continuous advertisement of America's prestige and global influence. U.S. participation in international conservation agreements insures that these ideals continue to extend their reach and also that U.S. sites re-

ceive the prestige and recognition they deserve—on par with that enjoyed internationally by the Taj Mahal, the Great Wall of China, the Serengeti Plain, and Vatican City.

Rather than being harmful to local and community interests, World Heritage designation appears to be economically beneficial and a lure for foreign tourists. It correlates closely with increased visitation. During the period 1990-1995, visitation to U.S. World Heritage parks increased 9.4% as opposed to a 4.2% increase for all parks. There is evidence to suggest that a significant part of the increase derived from increased international tourism; World Heritage designation makes it more likely that foreign visitors, especially those with specialized interests, will learn about and consider visiting these parks.

For example, Wrangall St. Elias National Park reports an increase in foreign visitation from Europe, currently at 10%, due to its world heritage designation. Grand Canyon National Park, where foreign visitation is roughly 40%, reports that foreign visitors respond more readily to the World Heritage designation than to the national park term. Given that the total economic benefit of Grand Canyon National Park to the region is estimated at \$350 to \$700 million per year, the impact of the World Heritage designation is clearly salutary there.

Under the World Heritage Convention, each nation nominates its own most important natural and cultural sites and pledges to take the necessary steps to preserve and protect them under their own legal systems. The treaty, implementing legislation, and program regulations mandate a process that is orderly, predictable, and exacting, requiring a minimum of more than two years between the proposal of a site for study and its consideration by the World Heritage Committee.

The U.S. nomination process is clearly delineated in law and regulation (Title IV of the Historic Preservation Act Amendments of 1980 and 36 CFR 73—World Heritage Convention). Under the regulations, the National Park Service staffs the Interagency Panel on World Heritage, which is advisory to and chaired by the Assistant Secretary for Fish and Wildlife and Parks. The Panel normally meets at least twice annually in public sessions to consider proposed nominations and to review completed studies. Proposals to nominate have originated from private organizations and citizens and local governments as well as from park superintendents.

Every property proposed has a strictly defined boundary. The criteria and documentation requirements for nomination are highly selective; many proposed properties have been turned down or deferred for cause. Relevant Committees of the House and Senate are notified of all pending proposals and again informed when the Department has decided to nominate a property. Over the years, when Members have commented, they have commonly supported proposed nominations in their respective states.

Since 1979, when Yellowstone and Mesa Verde were listed, 18 other U.S. sites have been placed on the World Heritage List, for a total of 20. A handful of others have been nominated but not listed. No new proposed nominations are being actively considered, although within recent weeks of officials concerned with the Charleston Historic District, S.C. and Slater's Mill, R.I., have expressed strong interest in being considered.

The World Heritage Committee, composed of representatives elected from 21 member countries, reviews all national nominations. At present, 469 properties have been listed. The Committee also places properties on the List of World Heritage in Danger. Only the Committee can place properties on either List. Neither listing action imposes any legal requirement for U.S. sites beyond those already contained in U.S. law.

The World Heritage nomination process is also respectful of private property rights. Affirmative concurrence is required from all non-federal owners before properties can be nominated for inclusion on the World Heritage List. The two private U.S. properties on the World Heritage List are Monticello and Taos Pueblo. Three other non-federal properties on the World Heritage List (University of Virginia, Cahokia Mounds, and La Fortaleza in San Juan, Puerto Rico) are owned by the States and the Commonwealth.

World Heritage designation does not impose any particular new management requirements; it does often present new opportunities. In Hawaii, the World Heritage designation of Hawaii Volcanos National Park is serving as the linchpin in a strategy to draw more tourists to the Island, and is an element of the town of Volcano's strategic planning. At Wrangell-St. Elias/Glacier Bay, two parks that are listed jointly with Canadian parks across the border, World Heritage designation has led directly to cooperation with Canada on mountain rescue and in managing traffic, travel, and rescue operations on the Alsek River. Finally, the Reagan administration chose to highlight one of its major initiatives in private sector fund-raising for

parks, the restoration of the Statue of Liberty, by nominating the Statue to the World Heritage List in 1984.

Though the Department of the Interior plays a leading role for the U.S. under the World Heritage Convention, it plays a cooperative role in our participation in the Man and the Biosphere Program. The designation and management of U.S. Biosphere Reserves provides recognition benefits similar to those received by World Heritage Sites, and allows U.S. sites to be linked to a global network of science, education, and technical assistance cooperation. Designation does not pose a threat to the sovereignty of American lands. There are 47 designated biosphere reserves in the United States. Biosphere reserves are purely voluntary associations of land managers to emphasize conservation science and education to develop consensual solutions to issues of conservation and development in their regions. The purposes of these alliances are to facilitate the discovery of practical solutions to complex conservation and development problems by providing a science based framework for finding mutually agreeable ways to achieve common goals. This cooperative setting allows each party to share resource and economic expertise that no one group could attain on its own. Mammoth Cave is an example that provides a clearer description of this program.

#### MAMMOTH CAVE AREA BIOSPHERE RESERVE

The Mammoth Cave Area Biosphere Reserve was designated in 1990 and includes Mammoth Cave National Park and its primary groundwater recharge basins. The Barren River Area Development District (BRADD), which is chartered by the Commonwealth of Kentucky and is responsible for regional planning within the ten-county area surrounding Mammoth Cave, selected the U.S. biosphere reserve model as the tool to address regional water quality issues. The biosphere reserve is administered through the BRADD, whose Board of Directors are locally elected officials, and is viewed as a locally managed effort rather than a federal undertaking. To coordinate resource management activities, the BRADD established a Biosphere Reserve Council which consists of Western Kentucky University, USDA Forest Service, USDA Combined Farm Services Agency, USDA Natural Resource Conservation Agency, Tennessee Valley Authority, U.S. Economic Development Administration, Army Corps of Engineers, agencies of the Kentucky Natural Resources Cabinet, the Resource Conservation and Development District, the Caveland Sanitation District, and the National Park Service. Together, these previously unlikely partners have made significant accomplishments which have directly benefitted the area. These accomplishments include:

*The Mammoth Cave Area Water Quality Project*—A partnership approach to protecting the Mammoth Cave Watershed, which includes significant financial resources available to farmers from the USDA on a cost-sharing basis, significant investment by the NPS for monitoring, and support from the EPA to continue this effort.

*Regional GIS/GPS and Development of a Geospatial Data Center*—Members of the Biosphere Reserve Council have pooled their resources to enhance data sharing and analysis capability and to establish a geographic information system and global positioning base station which has a variety of applications of benefit to all members. Additionally, a grant from the U.S. Geological Survey has established a Geospatial Data Center at Western Kentucky University.

*Economic Development and Impact Studies*—The Economic Development Administration funded a study in the area to assess the potential for compatible industrial development. The results of this study have been made available to the community to assist in economic and infrastructure planning. Also, the National Biological Service in partnership with local universities is working on an economic impact study of the park and local area to assess the impact of tourism expenditures locally to assist in future planning.

The Mammoth Cave Area Biosphere Reserve, with the national park as its core area, has brought national attention to address local conservation and development issues, including additional financial resources not previously available. Landowners and communities have derived tangible benefits and received recognition for working together to resolve complex conservation and development issues and protect resource values.

A survey of biosphere reserve managers in 1995 suggests that, in cases where their cooperative activities identify explicitly with biosphere reserve concepts, there are more cooperating parties and more participation of local organizations than in cases where such cooperation was merely consistent with these concepts.

Biosphere Reserves also maintain their importance internationally from a perspective of providing a network of protected areas, particularly essential as stop



overs for migratory birds and living resources the U.S. shares with other nations, and U.S. citizens are frequent visitors to the internationally recognized sites of other countries. For example, the American Redstart is a colorful Neotropical migratory bird that winters in tropical forests, such as those found in the Latin American and Caribbean biosphere reserves, and is also found in its forested breeding areas in the United States biosphere reserves. The redstart's dependence on an international network of protected areas is critical, but Americans too find similar importance in these areas as destinations. More than 65 million Americans watch and feed birds each year and more than 25 million of these people travel away from their homes specifically to watch birds. These birdwatching Americans spend \$5.2 billion annually, generating an annual total economic return to the U.S. economy of nearly \$20 billion. American businesses also are the beneficiaries of visitation of U.S. citizens to foreign countries as they operate the tour companies that frequent biosphere reserve sites abroad.

The Department of the Interior is committed to the sovereignty of American lands whether they be federal or non-federal, including private lands. International site recognitions such as world heritage and U.S. biosphere reserves are not a threat to U.S. sovereignty, but rather an enhancement to areas already protected under domestic law and a benefit to communities which are fortunate enough to be recognized internationally. Mr. Chairman, I thank you for holding this hearing so this issue can be clarified. The "national park" idea was something inherently American which has been extended internationally through such programs; to inhibit our administration would be a disservice to furthering this idea both within the United States and abroad.

This concludes my prepared remarks. I appreciate the opportunity to appear before you today. I am happy to answer any of your questions.

## THE PREPARED STATEMENT OF NINA SIBAL

### INTRODUCTION

UNESCO does not take a position on the pros and cons of the legislation proposed in H.R. 3752 at the 104th Congress. The way in which the United States chooses to relate to our MAB Programme or to the subject of the World Heritage is a sovereign decision of the American people and the American Government.

We provide herewith information on how the MAB and World Heritage programmes work and, particularly, on how the sovereignty of the United States is protected in statutes and working methods.

Biosphere reserves remain entirely under local, state and national jurisdiction. Article 2 Paragraph 3 of the Statutory Framework states that "Individual biosphere reserves remain under the sovereign jurisdiction of the States where they are situated. Under the present Statutory Framework, States take the measures which they deem necessary according to their national legislations." The U.S. Congressional Research Services (CRS) in a June 1996 fact sheet found that "there are no legally binding requirements on countries or communities regarding the management of Biosphere Reserves. Full sovereignty and control over the area continues as it was before recognition". Indeed, even the national MAB Committees, together with UNESCO, have no power to set limitations on activities in these areas. They merely provide general guidelines. Enforcement is purely a local decision. Additionally, the same CRS fact sheet accurately makes clear that "areas are listed only at the request of the country in which they are located, and can be removed from the biosphere reserve list at any time by a request from that country."

From a national perspective, all the U.S. MAB sites are under the independent United States National MAB Committee, one of whose six directorates coordinates the Biosphere Reserves. The U.S. MAB Committee is made up of American scientists, representative of Government agencies and voluntary and private organizations. The U.S. Biosphere Reserve Programme is funded from a number of Federal Agencies. These funds are overwhelmingly spent in the United States.

The World Heritage Convention, officially called the "Convention concerning the Protection of World Cultural and Natural Heritage," originated at a White House conference in 1965. In presenting the Convention to the United States Senate, President Richard M. Nixon, stated that "this Convention creates international Machinery for the Identification and Protection of natural and cultural areas of outstanding universal value which constitute the common heritage of mankind." (President's message to the Senate. March 28, 1973, the White House.)

The Convention's primary mission is to define the world's heritage by drawing up a list of sites whose outstanding universal value should be preserved for all of us.

The United States is currently one of the 21 members of the World Heritage Committee which administers the Convention. The Committee is responsible for maintaining the World Heritage List and the List of World Heritage in Danger. It also defines the criteria on the basis of which a property belonging to the cultural and natural heritage may be included in either the World Heritage List or the List of World Heritage in Danger. The Committee also administers the World Heritage Fund which provides technical and financial aid to countries requesting assistance.

Sovereignty over the State's properties continues to be protected in the monitoring and reporting procedure which follows inscription. The Operational Guidelines state: "It is the prime responsibility of the States Parties to put in place on-site monitoring arrangements as an integral component of day-to-day conservation and management of the sites.... The State Parties are invited to submit to the World Heritage Committee through the World Heritage center, every five years, a scientific report on the state of conservation of the World Heritage sites on their territories."

There are currently 469 natural and cultural sites around the world on the World Heritage List. Twenty sites in the United States are Listed, including Yellowstone and Grand Canyon National Parks, Independence Hall and the Statue of Liberty. There are eighteen sites worldwide on the World Heritage in Danger List including two in the United States: Yellowstone National Park and Everglades National Park. The United States paid voluntary contribution to the World Heritage Fund of \$400,000 for 1994-96. In addition, the Convention's Secretariat.

The World Heritage Center and UNESCO's Division of Ecological Sciences cooperate extensively with U.S. universities, scientific institutions and foundations (Getty Trust, World Monuments Fund, the Smithsonian Institution and American Express to mention only a few) to provide technical assistance and training worldwide.

The nomination of any site onto the World Heritage List can come only from the Government of the country concerned (Article 11, paragraph 3 of the Convention.) Application of the World Heritage Convention fully respects the interests of its State Parties and in no way infringes on their sovereignty. The World Heritage Committee, for example, coordinates studies and research for drawing up the World Heritage List and the List of World Heritage in Danger with the agreement of the State concerned (Article 11, paragraph 7 of the Convention). Moreover, Article 6, paragraph 1 of the Convention states: "Whilst fully respecting the sovereignty of the State on whose territory the cultural and natural heritage ... is situated, and without prejudice to property rights provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to cooperate."

The World Heritage Committee follows Operational Guidelines in the implementation of the World Heritage Convention. The Guidelines further emphasize the full participation of a State Party and its citizens in the nomination and maintenance of its World Heritage Sites. For example, paragraph I.B.14 of the Guidelines encourages "participation of local people in the nomination process". One of the criteria for inclusion of a site is "the existence of protective legislation at the national, provincial or municipal level..." (paragraph I.C24(b)(II) of the Operational Guidelines). Along the same lines, "inscription of sites shall be deferred until evidence of the full commitment of the nominating government ... is demonstrated. Evidence would take the forms of relevant legislation, staffing, funding and management plans ..." (paragraph I.A.6(v) of the Operational Guidelines).

A further point is that the World Heritage and Biosphere Reserve programmes are complementary: some 30 World heritage sites form the core of large biosphere reserves. The biosphere concept, with its buffer zones and transitional areas, and its aim of reconciling conservation with economic activities, meshes with the more rigorous conservation necessary in the core World Heritage Sites.

UNESCO actively promotes the role of the World Heritage sites and biosphere reserves in creating economic opportunities and jobs in their areas. The World Heritage Center organized an important meeting with the UN Environment Programme in 1993 to work with the World Tourism Organization to help local authorities, the tourism industry and governments plan the best ways to generate business and, of course, jobs while maintaining the continued attractiveness—and profitability—of these major attractions. We recognize that tourism is now the World's largest industry and that it is in the interest of all for conservation and economic development to go hand in hand. Important points are:

- that biosphere reserves are the essence of locally involved, voluntary efforts in sustainable development;
- that biosphere reserves and World Heritage sites really form a nucleus for attracting tourism and catalyzing local involvement;

- biosphere reserves are the greatest outdoor laboratories that provide the research to help decision makers to create effective policy;
- designation increases public participation from people and local communities;
- biosphere reserves and world heritage sites are very useful links between local schools, colleges and universities. They provide a unique possibility for families, children and their parents, to understand their country;
- designation means national and international visibility. The private sector, travel agents, tour guides, U.S. airlines, hotel industry etc can profit from this.

UNESCO reiterates that in no way has the world heritage or biosphere reserve recognition limited, or impinged upon, the sovereignty of the people who live within or around these areas or any other sites.

The United Nations and its specialized agencies, such as UNESCO, have absolutely no jurisdiction over the territories designated as biosphere reserves or World Heritage sites, which remain totally under national jurisdiction.

Biosphere reserves are areas recognized internationally under UNESCO's Man and the Biosphere (MAB) Programme—a voluntary, scientific programme which has absolutely no jurisdiction over these territories, which remain entirely under national jurisdiction. Biosphere reserves are active in fostering nature conservation and economic and human development which is socio-culturally and ecologically sustainable.

Some biosphere reserves are owned privately and others publicly. All entered the biosphere reserves' programme voluntarily, and the owners/authorities, public or private, ceded no part of their sovereignty or control over the land areas or the uses of the land in the biosphere reserve area to the United Nations, or to any other external body. Neither UNESCO nor the United Nations has ever sought any jurisdiction or authority over these sites. In conformity with the objectives of the MAB Programme, UNESCO does attempt to encourage the exchange of information and the adoption of programmes to further international cooperation and learning about conservation and sustainable use of the planet's resources.

### *1. MAB Programme and Biosphere reserves*

The Man and the Biosphere Programme, known as the MAB programme, is a scientific programme of UNESCO begun in 1970 aiming at promoting research and training on the rational use and conservation of the natural resources of the biosphere and the maintenance of associated cultural values. It serves as a framework for cooperation between countries in improving the global relationship between people and their environment. The overall programme is guided by the MAB International Coordinating Council Consisting of 34 Member States elected by the UNESCO General Conference. Programme activities are entirely voluntary and are conducted in more than 110 countries under the coordination of MAB National Committees and in cooperation with other organizations such as the World Conservation Union (IUCN).

The biosphere reserve concept was developed under the MAB Programme in the early 1970s. Biosphere reserves are areas of terrestrial and coastal/marine ecosystems (or a combination of those) which are internationally recognized under the MAB programme as promoting and demonstrating a balanced relationship between people and the environment. They are nominated for this recognition by States, through MAB National Committees, according to a given set of criteria and conditions. Basically biosphere reserves aim at fulfilling three functions:

- conservation: contributing to the conservation of landscapes, ecosystems, species and genetic variation;
- development: fostering economic development which is ecologically and culturally sustainable;
- logistic support for research, monitoring, training and education related to local, regional and global conservation and sustainable development issues.

To carry out the different activities involved in these three functions, biosphere reserves are organized into three inter-related zones:

- a legally constituted core area devoted to long-term protection. It should be large enough to meet its conservation objectives. There is minimal human activity.
- a buffer zone around or next to the core. This can be an area for experimental research to enhance high quality production while conserving natural resources, or ecosystem rehabilitation. It can accommodate education, training, tourism and recreation facilities.

• an outer transition area or area of cooperation whose limits are not fixed. It is here that the local communities, nature conservation agencies, scientists, cultural groups, private enterprises and others stakeholders must agree to work together to manage and sustainable develop the area's resources for the benefit of the people that live and work there.

Collectively, biosphere reserves form a World Network of areas that include all major ecosystem types and which will foster cooperative studies on how these ecosystem work and can be used productively without destroying their essential ecological properties and their life-support potential.

Today, there are 337 biosphere reserves officially recognized under the MAB Programme located in 85 countries. There are 47 in the United States.

## *2. US and MAB in the beginning*

There was very strong involvement of the US in the beginning of MAB. There were many notable US participants, including Russel Train and High-ranking officials in the Department of Agriculture, the Office of Science and Technology at the 1968 "Biosphere Conference" held in UNESCO, which was the first major meeting of governments on people and the environment and which subsequently gave rise to MAB in 1970. There was an important US delegation to the first meeting of the MAB International Coordinating Council in 1971, led by Don King of the State Department. The US hosted the third meeting of the MAB Council in Washington in 1975. From the beginning, there has been US member in the MAB Council Bureau until the withdrawal of the USA from UNESCO. In addition, the US has seconded several scientists to work with the UNESCO Secretariat over the years.

## *3. Current US Involvement in MAB*

There is a US-MAB National Committee composed of scientists from universities, government agencies and other members from entities such as private conservation organizations. The US-MAB Programme coordinates six directorates studying various kinds of environmental regions and issues: one of these six is the Biosphere Reserve Directorate. In 1994, following a meeting of US biosphere reserve managers, the Department of State published "Strategic Plan for the US Biosphere Reserve Program". Many US specialists attended the International Conference on Biosphere Reserves in Seville in March 1995 and actively contributed to the preparation of the Seville Strategy for Biosphere Reserves and the Statutory Framework for the World Network.

## *4. US and the International Coordinating Council*

According to the MAB Statutes, only UNESCO Member States can be elected to the MAB Council. The US-MAB as is the UK-MAB, is nevertheless invited to send observers to the International Coordinating Council meetings and hence can contribute actively to the development of the MAB Programme. In addition, there is the possibility for US specialists to participate in their individual capacity at MAB expert meetings which draw up recommendations for the various MAB activities. In particular, US specialists have been appointed by the Director-General to serve in the Advisory Committee for Biosphere Reserve which was set up by the UNESCO Executive Board in 1991. (The person was Mr. Pall Risser in 1992-93, and Mr. Dean Bibbes, Chair of US-MAB, in 1996).

## *5. Sovereignty and management implications*

Biosphere reserve recognition does not convey any control or jurisdiction over such sites to UNESCO, the United Nations or any other entity. The USA and/or States and local communities where biosphere reserves are located continue to exercise the same jurisdiction as that in place before designation. However, the stakeholders for these sites are encouraged to develop cooperative mechanisms to maximize opportunities for research and information-sharing in line with the MAB Programme.

## *6. Economic development*

Biosphere reserves promote development activities, notably in their buffer zones and transition areas, which are ecologically and culturally sustainable. This means developing activities, such as green tourism, or quality vegetable production, or local traditional crafts, which do not compromise the biological productivity of the region and provide direct benefits to the local community through additional employment and income, as well as building up pride in their home environment.

## *7. Steps to designate a biosphere reserve*

This is spelled out in Article 5 of the Statutory Framework. States, through their MAB National Committees, are responsible for preparing nominations of biosphere reserves and must ensure that the local communities and the administrative authorities are fully involved and in agreement with the designation. In this connection, the biosphere reserve nomination form explicitly requests letters of endorsement from the local and government authorities.

### 1. *Development of the world heritage convention and the united states*

The United States were involved in the development of the World Heritage Convention, as the idea of a "World Heritage Trust" had evolved at US Government level:

- It would be fitting by 1972 for the nations of the world to agree to the principle that there are certain areas of such unique worldwide value that they should be treated as part of the heritage of all mankind and accorded special recognition as part of a World Heritage Trust." (President Nixon on 8 February 1971, 92nd Congress, First session, House Document No. 92-46.)

Following the UN Conference on the Human Environment in Stockholm in 1972 and the work of expert groups involving IUCN, ICOMOS and UNESCO, the "Convention concerning the Protection of the World Cultural and Natural Heritage" was adopted by the General Conference of UNESCO on 16 November 1972. On 28 March 1973 President Richard Nixon presented the World Heritage Convention to the United States Senate for consideration:

The United States ratified the World Heritage Convention on 7 December 1973.

### 2. *Main objective of the Convention*

The main objective of the Convention is to protect, conserve, present and transmit to future generations the cultural and natural heritage. By adhering to the Convention each State Party recognizes that the responsibility to do so belongs primarily to that State (article 4).

The World Heritage Convention establishes two instruments to collaborate with State Parties to obtain this objective

- the World Heritage List
- the World Heritage Fund

### 3. *States sovereignty and respect of property rights*

Article 6 of the Convention states:

- "Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property rights provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a World Heritage for whose protection it is the duty of the international community as a whole to cooperate".

### 4. *The inclusion of Yellowstone National Park on the world Heritage List and the List of World Heritage in Danger*

Yellowstone National Park, the first National park of the world, was inscribed as one of the first twelve natural sites on the World Heritage List in 1978 under all four natural criteria.

At its nineteenth session in July 1995 the Bureau of the World Heritage Committee recommended (based on information provided by the United States) that an expert mission to Yellowstone World Heritage site be carried out in order to review the current management situation and potential threats to the site (this is reactive monitoring). On the invitation of the United States, this mission took place from 8 to 11 September 1995 under the direction of the Chairman of the World Heritage Committee. The mission included technical presentations, a one day visit to the mine site and another one day visit of other features of the park. At a hearing NGOs, local population, national and international experts as well as representatives from the U.S. National Parks Service exchanged their views.

The results of the expert mission can be summarized as follows Threats to the site can be noted as (a) potential threats from the impact of the Crown Butte Mine. Potential impacts related to changes in underground water systems, acidification of surface waters and the long term physical security of the "tailings disposal area". The risk of threats is high and poses a threat to the greater Yellowstone ecosystem; (b) the possible disruption of the hydrothermal system through oil and gas hydrothermal exploitation on private and/or public land outside the park; (c) secondary threats relate to the gradual reduction of grizzly bear habitat, reduction in the bison population, elimination of the endemic cut-throat trout by competing trouts and increasing tourism pressure on the Park's infrastructure.

The results of the mission were presented to the nineteenth session of the World Heritage Committee in December 1995 in Berlin, Germany. The Committee decided to inscribe Yellowstone National Park on the basis of both ascertained and potential dangers on the List of World Heritage in Danger.

### 5. *Involvement of local populations*

Paragraph 14 of the Operational Guidelines indicates clearly that "Participation of local people in the nomination process is essential to make them feel a shared responsibility with the State Party in the maintenance of the site." It is the States Parties' responsibility to involve local populations in both the nomination and the preservation of the site.

### THE PREPARED STATEMENT OF MR. D. DEAN BIBLES

MR. CHAIRMAN:

I appreciate the opportunity to testify on this bill that you have introduced—H.R. 3752. I am here in my capacity as the Chairman of the U.S. National Committee for the U.S. Man and the Biosphere Program (MAB). I recently retired after 42 years of service with the Department of the Interior. I have served in many capacities with The Bureau of Land Management as a District Manager in the states of Montana, California and Idaho; as Assistant Director in the Bureau's Washington office with responsibility for Lands, Right of Way, Recreation, Wilderness and Alaska Programs; and as State Director in Arizona and then Oregon/Washington. Most recently I served on the Staff of the Secretary of the Interior as Director of Policy on Land Tenure.

The U.S. Man and the Biosphere (MAB) program is managed by the U.S. National Committee for MAB, which is composed of members from private industry, universities, representatives of the participating (now 15) Federal agencies, and the chairpersons of the six MAB program directorates. Scientists from the biological, natural and social sciences are publicly and competitively recruited and appointed to serve—on an unpaid basis—on the program directorates. The Department of State, in consultation with other Federal agencies, names the Chair of the National Committee for a three year term, and also supports a small administrative Secretariat staff.

One of the six program areas of U.S. MAB is that of biosphere reserves. A biosphere reserve is a terrestrial and/or coastal area which ideally consists of a core protected area, an area of managed use and an area of cooperation outside of the legally protected areas. A "model biosphere reserve" should encourage the landowners, the local people, resource managers and scientists to work together to promote and achieve the three goals of conservation, education and cooperation. Biosphere reserves are a focus for scientific study, environmental education, and regional cooperation on common environmental issues. The use of the model is interpreted locally and is unique in each of the 47 such sites in the U.S. The largest U.S. biosphere reserve is the Champlain-Adirondack Biosphere Reserve in New York/Vermont, designated in 1989, with eight million acres where more than 300,000 people live. The most recently approved site is the privately-owned Grandfather Mountain designated in 1992 as a core area of the Southern Appalachian Biosphere Reserve. Most biosphere reserves, however, are identified with established National Parks or National Forests or other federal areas.

In the 1970s, there was only minimal public involvement in the biosphere reserve designation process. These sites were then seen as merely exemplary sites for scientific studies and "The Conservation of Natural Areas and of the Genetic Materials They Contain"—which was the original title of the program now called biosphere reserves.

In the past decade, however, there has been a steady evolution toward greater local community involvement and accountability. The Statutory Framework for the World Network of Biosphere Reserves (a non-legally binding guideline for the world network) encourages this evolution of the program. Article 4, on the criteria for biosphere reserves, states, "Organizational arrangements should...[include] inter alia public authorities, local communities and private interests in the design and carrying out the functions of a biosphere reserve." Similarly, the recent Seville Strategy for Biosphere Reserves, which was adopted by the International Coordinating Council for MAB emphasizes this local involvement. Twenty one (21) of the 47 "Recommended Actions at the Individual Biosphere Reserve Level" encourage local involvement. Finally, the U.S. National Committee for MAB also requires that the proponents of any new U.S. Biosphere Reserve seek the concurrence of the relevant local governments in the nomination of the new reserve.

The diagrams of concentric circles depicting the various zones of a "model biosphere reserve" which appear in several of the exhibits I am attaching to this testimony, as well as in various articles could cause some misunderstandings. The core or protected area, as well as the "area of managed use," must have legal conservation protection. In the U.S., adequate legal protection for these areas is provided for

by the legislation creating the National Park or Forest; or in state and local laws. In the case of privately owned areas, certain restrictions are placed voluntarily on their lands by the private landowner or conservation organization which owns the land.

The U.S. MAB program, as stated in the Strategic Plan for the U.S. Biosphere Reserve Program, clearly encourages the creation of creative partnerships with all of the local community stakeholders in the areas surrounding a biosphere reserve. Whether or not other U.S. Biosphere Reserves will develop specific geographic areas of cooperation is a decision each makes on its own. What is on a conceptual map is not so important as the spirit and emphasis of involving the local people in conservation, management, education and enlightened self interest. In the U.S., only three biosphere reserves have formally developed the additional "transition area" or "area of cooperation": Southern Appalachian, Mammoth Cave and Land Between the Lakes (a Tennessee Valley Authority center for recreation and environmental education in Kentucky).

Even within officially recognized biosphere reserves there is occasional confusion. Recently, for example, we became aware that some state park officials had a sign constructed at their gate which said "A UN Biosphere Reserve." At some other biosphere reserve sites there are signs at the gates which claim the site is "An International Biosphere Reserve." Both of these claims are wrong.

Since we learned of these erroneous signs, the U.S. National Committee for MAB is taking corrective action. We are urging all U.S. biosphere reserves to post a sign which correctly identifies the unit as "A U.S. Biosphere Reserve" If the local authority wishes, they may also add the words "A Member of the World Network of Biosphere Reserves." Again, Mr. Chairman, and to stress the point: we, at the level of the U.S. National Committee, do not directly control these land areas. We are proud to recommend them for nomination as a biosphere reserve based on their exemplary conservation excellence, but we do not control their lands and we do not control the signs they put up in the past. We are providing guidance for correct future signs on U.S. Biosphere Reserves.

We also try, Mr. Chairman, with a science and education mission, to keep as many people fully informed as possible about the MAB Program. Our U.S. MAB Bulletin is set to over 7,000 people world-wide. For many throughout the world our Bulletin is one of their main sources of information about MAB. It goes to the working level scientists and land managers. Frequently wherever I go on behalf of U.S. MAB, people from other counties come up to me and thank me for their receiving the U.S. MAB Bulletin.

I know of no example where biosphere reserve designation has resulted in prohibiting any economic activity. This is true because of the voluntary and legally non-binding nature of the program and because no element of commitment to a biosphere reserve would have such effects. It is also true because all legal conservation protection appropriate to the biosphere reserve must be in place before the biosphere reserve designation can be awarded. In no case have new or additional laws been enacted in order to gain biosphere reserve status or because of biosphere reserve status.

I am concerned that the passage of H.R. 3752 would legislate into existence another governmental program requiring a multitude of procedural steps and bureaucracy. I see that as a real possibility if H.R. 3752 is enacted. The beauty of the biosphere reserve concept, as it is implemented in the United States, is that it is truly a "ground up" program that is started voluntarily by local people to deal with regional issues. It is a very simple, non-bureaucratic method of allowing all interested parties—whether they are private landowners, corporations, local, state or federal government representatives—to come together as equals to the discussion of how they manage their resources to receive reasonable return at a sustainable rate. While the elevation of the process to congressional action may sound good, it may lead to the local folks getting left behind when the whole process becomes "national" in scope.

This country has a growing number of biosphere reserve success stories—Southern Appalachian Man and the Biosphere Program, Mammoth Cave Biosphere Reserve, the Sonoran Desert Alliance, Colorado Rockies Regional Cooperative, The New Jersey Pinelands Biosphere Reserve, the Virginia Coast Biosphere Reserve—are just a few. Each of these biosphere reserves organized themselves on a local level with willing participation by many private entities to address resource issues specific to them. The only similarity is that they used the biosphere reserve as an "umbrella."

The staff of the Committee has been provided with copies of Biosphere Reserves in Action: Case Studies of the American Experience which demonstrates some of the experiences of U.S. Biosphere Reserves. I would also note that the "Statutory

Framework..." has also been provided, and I need not cite it here to show how biosphere reserves remain under the sole sovereign jurisdiction of each country. There is no danger of giving up sovereignty over any American land, private or public, through this program.

One of the greatest benefits of the biosphere reserve program is support of a strong scientific research and environmental education program. I believe that the good scientific data bases of these sites can be of significant value in making good environmental policy. Similarly, we in the U.S. MAB National Committee support the electronic linkages among these sites. These Internet networks will enable land managers in similar biogeographical areas to significantly increase their information on issues of common interest.

I also believe that the U.S. managers can provide international leadership for more effectively managed conservation areas abroad. Some sites in other countries may provide valuable insights and lessons for U.S. conservationists. I was fortunate to have an opportunity in 1994 to visit a biosphere reserve in the former west and east Germany. Light industry had moved to the area because of its status as a biosphere reserve. The president of a dairy I visited moved to the area in order to be a competitive milk producer in the European marketplace. The farmers were able to change to natural fertilizers, move their cattle holding facilities out of the creek bottoms and thus manage their farms with environmentally sound practices. Environmentally sensitive production methods provided a better market for the farmers who produced in that manner and allowed them to also profit from the tourism generated by maintaining a farm scene that city dwellers came to visit. Comparing problems and sharing information about effective programs and experiments can indeed help promote a more harmonious relationship between humankind and the biosphere in which we all live.

In sum, Mr. Chairman, biosphere reserve designation encourages voluntary cooperation and requires no special program, methods of management, financial obligation or changes of ownership. U.S. MAB provides some minimal program support to U.S. Biosphere Reserves, but the local partners in the biosphere reserve are in charge.

Mr. Chairman, U.S. MAB has supplied the committee with six publications to help inform this Committee about the U.S. MAB Program and about the biosphere reserves program in particular. I hope these materials, and my testimony, will help to remove some of the "enigmatic" qualities that you cited about biosphere reserves in your recent letter.

#### EXHIBITS PROVIDED BY MR. BIBLES:

1. *U.S. Man and the Biosphere Program*, a brochure giving a general overview of the U.S. MAB Program.

*U.S. Biosphere Reserves* (brochure)

*World Network of Biosphere Reserves*, a brochure and map depicting the location of the [then] 329 biosphere reserves in 83 countries and text on the nature of the program.

*Strategic Plan for the U.S. Biosphere Reserve Program*.

*BRIM*, a pamphlet describing the Biosphere Reserves Integrated Monitoring for Biological Diversity Conservation and Sustainable Use of Natural Resources.

*Biosphere Reserves in Action: Case Studies of the American Experience*, a booklet of reports on 12 of the U.S. Biosphere Reserves.

Due to the high cost of printing the following publication that were submitted to be added to this hearing were placed in the hearing record files of the Resources Committee.

#### PREPARED STATEMENT OF MYRON EBELL

Mr. Chairman, thank you for the opportunity to testify here today on your important legislation to subject United Nations environmental designations within the United States to congressional control and oversight. My name is Myron Ebell, and I am policy director of the Frontiers of Freedom Institute. I am testifying today on behalf of Frontiers of Freedom, a non-partisan political advocacy organization dedicated to defending our constitutional liberties. Malcolm Wallop, chairman of Frontiers of Freedom, wanted to be here today to testify, but had to go out of town this morning to fulfil another obligation.

My qualifications to testify are these. I have been working full time on the whole range of property rights and federal lands issues since September 1989, first as Washington representative of the American Land Rights Association, then as a leg-



islative assistant for a member of this committee, and for the past nine months at the Frontiers of Freedom Institute. During that time, I have worked with people from all across the country whose rights were being violated or threatened by one or another federal agency or by proposed legislation. It is therefore a pleasure to be able finally to testify on a bill that seeks to protect people's rights, rather than to disregard them.

Frontiers of Freedom supports passage of H.R. 3752, the American Land Sovereignty Protection Act. Enactment into law will be a big first step toward establishing congressional authority over United Nations involvement in the internal affairs of the United States and over a burgeoning bureaucracy within the federal government as well. In our view, this will have several good effects. First and foremost, it will open the process to public scrutiny and participation. Second, it will to some extent constrain the mischievous activities of this and succeeding presidential administrations and to a lesser extent the activities of those environmentalist and preservationist pressure groups officially recognized as NGOs. And third, enactment of H.R. 3752 will provide limited protections for private property owners and States. I will consider each of these beneficial effects in turn and then conclude by offering some suggestions for further legislation.

First, public scrutiny and participation. Insofar as H.R. 3752 passes no judgment on the appropriateness of any particular United Nations environmental designation but simply seeks to assert Congress's proper constitutional role in establishing and managing these designations, then it would seem to be simply a good government bill, which no one could reasonably oppose. Of course, there are those on the left, whose purposes have become so unpopular with the general public that they cannot survive the light of day, who will oppose H.R. 3752. They will oppose it (although they will not say so publicly) because it exposes all these United Nations environmental designations to public scrutiny.

And that will, I think, be the most important effect of enacting H.R. 3752. I am not aware of the circumstances surrounding designation of most World Heritage Sites and Biosphere Reserves, but of the several I am familiar with the most troubling aspects are the total lack of public participation in the designation and management processes and the total lack of public knowledge that such designations are even being considered. As far as I can tell, most such designations are accomplished by the executive branch working behind closed doors in cahoots with United Nations officials and environmental and preservationist organizations which have been granted official status as NGOs. (In this regard, I must say that I would like to see the people who grow the food, mine the ore, and produce the goods upon which human life depends be granted some sort of official status in the "work" of the United Nations, but perhaps that is too much to hope for.)

To take only one typical example, Carol LaGrasse, a professional engineer who lives in the Adirondacks in upstate New York, recently wrote to me of her experience with a United Nations designation: "One of the major reasons that I founded the Property Rights Foundation of America was because of the secrecy in designating the Adirondack-Champlain UN Biosphere Reserve in 1989. While I was on the Town Board as an elected Councilman and writing for the local newspaper, I discovered purely by chance that such a designation had taken place. Neither I nor anyone else that I spoke to knew what it meant. I subsequently read the journals in which the people who were involved in the designation wrote about it and similar matters, and thereby learned that the purpose of such designation was to restore land so 'honored' to the pristine condition of that before human influence. Even the educational and scientific research conducted by the program is to that effect. Only a small group of university people and members of the State super-zoning agency, the Adirondack Park Agency, were involved."

Requiring prior congressional approval of any United Nations environmental designation within the United States will put the American people where they should have been all along—in the middle of the deliberative process. It is impossible to foresee what the effects of public involvement might be. Perhaps a majority will want many more Biosphere Reserves and World Heritage Sites, in which case Congress will be very busy passing bills. On the other hand, perhaps widespread suspicion of the United Nations will mean that no such designations have a chance of being passed. Or perhaps Congress will approve some and defeat others. Whatever the outcome, the important point is that H.R. 3752 will open the process and force proponents of Biosphere Reserve and World Heritage Site designations to make their case to the public. The proponents of such designations should welcome this change because any designations that result will enjoy much more support than they do under the current secretive designation process.

Second, constraining those who would use these designations to achieve their own illegitimate ends. The title of H.R. 3752, the American Land Sovereignty Protection

Act, suggests that the over-arching purpose of the bill is to protect the sovereignty of the United States against infringement by international treaties and agencies. While that is a laudable goal, my diagnosis of the source and nature of the threats to our political order and consequently of the reasons why congressional authority should be asserted is rather different.

A story in this Tuesday's New York Times reported that the director of UNESCO's New York office, Nina Sibal, had been asked to testify at today's hearing and quotes her as follows: "Unesco will be there to reassure the Congress that putting a site on the World Heritage List or designating a site a Biosphere Reserve does not in any way cede sovereignty to any authority outside the United States."

Other witnesses appearing before the committee today no doubt possess the technical expertise (that I lack) necessary to sort out the arcane legal considerations involved in questions of sovereignty. Perhaps there are some details that should concern us all, but I am prepared to accept Director Sibal's statement as correct for all practical purposes. Biosphere Reserve and World Heritage designations of themselves pose no real threat to the United States's sovereignty. Even if there are some legal entanglements to which we have unwisely committed ourselves, the United States can always say to the United Nations or any other international body, Go away and stop bothering us.

This does not mean, however, that such designations cannot be used to subvert or circumvent the laws of the United States. But we must look within our own boundaries—to the current and perhaps future presidential administrations, to the federal bureaucracy, and to the NGOs—to find the source of this threat.

The intervention last year if the World Heritage Committee at Yellowstone is a well-documented example of what I have in mind. High-ranking Clinton Administration officials connived with some of our leading environmental pressure groups (no doubt all of them officially-accredited NGOs) to use Yellowstone's World Heritage designation as a way of interfering with or circumventing the laws of the United States and of Montana in order to stop development of the New World Mine. Allow me to quote at length from a speech given in Toronto on April 18 by Mr. Joseph J. Baylis, the president of Crown Butte Resources Ltd., the owner of the proposed New World Mine, which admirably summarizes the highjinks.

"A senior official of the U. S. Department of the Interior, working closely with the Greater Yellowstone Coalition, invited members of the World Heritage Committee...to conduct a 'thorough and detailed evaluation' of Yellowstone National Park and the New World Project.

"Assistant Secretary of the Department of the Interior George T. Frampton, who with fourteen special interest groups that originally invited the Committee to the United States, stated the Department of the Interior and the National Park Service did not believe that NEPA, the National Environmental Policy Act, was sufficient to protect Yellowstone's interests. Frampton indicated in correspondence to the World Heritage Committee that Secretary of the Interior Bruce Babbitt and the National Park Service (a cooperating agency in the EIS process) had, and I quote, 'clearly expressed strong reservation with the New World Mine proposal.'

"Without any clear scientific evidence or a Draft Environmental Impact Statement, Frampton stated, and I quote, 'Until the scope and nature of the analyses-[referring to the New World Project Draft EIS]-are better defined and the matter is satisfactorily resolved without jeopardizing the values of Yellowstone, we believe that a potential danger to the values of the Park and the surrounding waters and fisheries exists and the [World Heritage] Committee should be informed that the property as inscribed on the World Heritage List is in danger.'

"Thus Mr. Frampton and official of the U.S. government nimbly jumped over more than twenty state and federal agencies, three years of research, and a fifteen volume permit application prepared during the EIS process, to hand determination of the issue-without analysis-to an international agency.

"What is more disturbing, Frampton indicated that the United States would not view such an action by the Committee as intervention in domestic law or policy. A subsequent letter indicated the Department of the Interior would continue to involve the Committee in the NEPA and other U.S. domestic processes.

"Even more disturbing is that the U.S. government offered to pay for their trip and fully intended to do so until challenged by the U.S. Senator.

"Three members of the World Heritage Committee visited the Park and the mine site for only three days in September of 1995 in a much-publicized media tour. They declined our invitation to study scientific research, they refused a technical scientific briefing, and attended two days of emotionally-charged presentations by special interest leaders.

"This event ignored science and had more the look and feel of a political convention, complete with coordinators carrying two-way radios and runners to distribute

questions to those placed in the audience for that purpose, than a serious review of our project or whatever the other perceived dangers facing Yellowstone National Park may be. And I remind you that the national Park Service-a cooperating agency in the EIS process-controlled the agenda, hosted, promoted, and sponsored this event.

"During their brief visit, the World Heritage Committee also took the opportunity to lecture the citizens of Wyoming and Montana about the importance of creating a 22 million acre buffer zone around Yellowstone National Park [and] they once again reinforced the land use and land management themes of those special interest groups opposed to mining and our project.

"This whole project was orchestrated by the Department of the Interior and the National Park Service. It allowed an international agency to challenge the competency of the federal and state officials mandated by law to carry out regulatory and permitting processes under NEPA."

Mr. Baylis's account provides much food for thought. I wonder, for example, whether the World Heritage Committee ever considered putting Yellowstone on its World Heritage in Danger list several years ago when an inferno turned a million or so acres into a sterile wasteland. The National Park Service's disastrous policies are, as far as I know, still in effect at other National Parks, several of which are World Heritage Sites. Shouldn't the Clinton Administration therefore be pushing the World Heritage Committee to list these Parks as World Heritage in Danger because of the likelihood that they too will be destroyed by catastrophic fires?

But the main point I understand Mr. Baylis to be making and which I want to emphasize is that no matter how improper or objectionable the conduct of the World Heritage Committee in this disgraceful affair, the main culprits are Assistant Secretary Frampton, Secretary Babbitt, and the environmental organizations with whom they connived to use the World Heritage designation in order to undermine the legitimate processes of government. The Clinton Administration and their allies in the environmental movement wanted to stop the New World Mine from going into production. They were not confident that the laws of the United States or Montana would produce the desired outcome. Unwilling to do the dirty work themselves, they found someone else to do it for them.

As I see it, this is the principal danger of World Heritage, Biosphere Reserve, or any other United Nations environmental designations. They are tools lying around that can be picked up and used by unscrupulous individuals for their own nefarious purposes. In this instance, the owners and employees of the New World Mine project were treated most unfairly. But inasmuch as Assistant Secretary Frampton and other appointed officials were using an international body to try to undermine or circumvent the laws they have sworn to uphold, then the American people have been treated most unfairly as well. The American people in Congress assembled passed NEPA to deal with such things as the New World Mine project. If the Clinton Administration felt that NEPA was inadequate, then it should have asked Congress to provide laws adequate to the situation.

The fact that the Clinton Administration resorted to the World Heritage Committee rather than Congress makes me think that the real threat to our legal order comes not from the United Nations or some other external entity, but from within. Thus I conclude that Congress in asserting its authority over United Nations environmental designations should devote most of its oversight capabilities to the actions of the executive branch and the NGOs.

Third, protections for private property owners and State and local governments. The provisions in H.R. 3752 that require the consent of private property owners and State and local governments before their property can be included in any international environmental designation is most welcome. However, I do not think that this protection will ultimately be found to be sufficient. In the story from the New York Times which I quoted above, UNESCO Director Sibal is reported to have said that "concerns about such designations being obstacles to local development were 'a needless fear' since they have no effect on how a property is used." I would like to believe that that is true, but I find worrying hints in some of the official documents that this is not entirely the case. For instance, Goal II listed in the Seville Strategy for Biosphere Reserves, which was the product of the International Conference on Biosphere Reserves held in Seville in 1995, recommends that Biosphere Reserves "develop alternative means of livelihood for local populations, when existing activities are limited or prohibited within the biosphere reserve." Or again, the Mission Statement of the United States Biosphere Reserve Program, which is printed in the Strategic Plan for the U. S. Biosphere Reserve Program (published by the State Department in December 1994), refers to "compatible economic uses." It is worth considering in this regard that the New World Mine project was outside the boundaries of the Yellowstone World Heritage Site.

Finally, a suggestion for further legislation. As I said above, enactment of H.R. 3752 will be a big first step toward establishing appropriate congressional control and oversight over these programs. However, H.R. 3752 is almost exclusively concerned with congressional approval of the initial designation. We can expect that problems or threats unforeseen by Congress at the time of initial approval will arise over time. Therefore, I believe that continued congressional oversight of these designations will be necessary. According to the Strategic Plan for the U. S. Biosphere Reserve Program, thirteen federal agencies were participating as of December 1994. Congress should require regular reports from all participating federal agencies that detail what the agencies are doing, how much money they are spending, what NGOs they are cooperating with and to what extent, and any complaints they have received from private individuals and landowners. I recommend that these reporting requirements should be made as onerous as possible. Only in this way, I believe, will Congress be able to deal adequately with the potentially mischievous uses to which these international environmental designations can be put.

Mr. Chairman, this concludes my testimony. I would be happy to try to answer any questions you or members of the committee may have

#### PREPARED STATEMENT OF JEREMY A. RABKIN

I should begin by thanking Chairman Young and the Committee for inviting me to testify. I certainly cannot claim any great expertise regarding the particular international programs that would be affected by this bill. As an academic, however, I do have the luxury of pursuing historical research and philosophical or general reflection. I hope a somewhat larger view of the context here may be of some benefit to this committee.

In what follows, I would like to make three general points on behalf of H.R. 3752. First, while the international programs at issue involve very little direct coercion, the concerns about "sovereignty" in the findings of this bill are not at all misplaced. They follow in a long and honorable tradition of American constitutional thought and they properly address what has always been one of the central aims of the doctrine of sovereignty—to fix clear lines of governmental accountability. Second, while there may be areas where overriding international imperatives make it proper to temper our historic concerns about national sovereignty, the programs at issue here cannot plausibly be classed in that category: they seem to offer very few tangible benefits while leaving considerable potential for mischief. Finally, if these international programs are seen as harmless because merely symbolic, Congress is entitled to think competing concerns also deserve "symbolic" recognition. H.R. 3752 seems to me a modest but useful statement that global enthusiasms should not be allowed to run roughshod over our traditional constitutional principles.

#### I

The prime stimulus behind this bill, I gather, is the controversy that arose last year over international involvement in what had been a domestic dispute about mining operations near Yellowstone Park in Montana. Many environmental advocacy groups opposed the extension of mining at a site only three miles from the border of the Park. Montana officials had begun a careful environmental impact statement to determine whether the proposed mining operations would be a threat to the ecosystem in the park or in the surrounding forest lands. Before the impact statement had been completed, however, an appeal was made to the World Heritage Committee, an international body associated with the United Nations, which sent a team of inspectors to the site and then adopted a resolution describing Yellowstone Park as "in danger." This in turn provoked loud and angry protests from local people, echoed by members of Congress from Montana and neighboring Wyoming. The protests have frequently decried the involvement of international officials in this controversy as a threat to American sovereignty.

Environmental advocates dismiss these concerns as absurd. A spokesman for the Greater Yellowstone Coalition (an environmental advocacy group) was quoted in a news account, earlier this year, characterizing the protests as "black-helicopter arguments"—that is, lunatic tirades against sinister international assault teams in black helicopters, who would allow "the UN ... to come out, claim the area and run the park."<sup>1</sup> Needless to say, that is not the threat posed by international involvement.

<sup>1</sup> Valerie Richardson, "UN 'intrusion' stirs anger at Yellowstone; environmental alarm seen as meddling," THE WASHINGTON TIMES, February 1, 1996, p. A1.

The United States is a signatory of the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage. Under the international program established by this treaty, Yellowstone Park is listed as a "World Heritage" site. Under a different United Nations program called "Man and the Biosphere" ("MAB") Yellowstone has also been listed with international authorities as a "biosphere reserve." Essentially, both programs involve the certification of lists by international committees: international standards for the maintenance of these sites are enforced, in the last instance, by the threat to remove a previously certified list from the site. The ultimate sanction in both programs is simply the embarrassing publicity that results from removal from the list. In the Yellowstone episode, the World Heritage committee placed Yellowstone on a list of sites "in danger" which is a sort of warning or probationary status, but again entails no ultimate sanction beyond the threat to remove the site from the list if the "danger" is not properly addressed.

Clearly, there is nothing in this which can "force" the United States to do anything it really does not want to do. But if this is the measure of a threat to our sovereignty—that we will be forced to take actions against the expressed and settled will of our own government—then there has never been a credible threat to our sovereignty and probably never will be, at least in our lifetimes. There has nonetheless been a series of intensely serious debates about sovereignty in the course of this century. The participants understood that sovereignty is not just about warding off improper interference from outside but about establishing proper lines of authority—which is to say, proper lines of accountability—at home.

That has always been true. "Sovereignty" is a relatively modern term—it only entered political treatises in the 16th and 17th Centuries—because it expresses a relatively modern view about the purpose and character of government. The point of the new term was to disentangle the governing responsibilities of kings from their personal feudal obligations to other princes, from their feudal claims as personal possessors of land tracts, from their religious obligations to bishops and popes. The point, in other words, was to emphasize the sole responsibility of a government for its own people—and thus, in some way, to its own people. Charles McIlwain's celebrated survey of medieval thought put it this way: "Among the characteristics of political thought to which we attach the word 'modern' none is more important than the conceptions, closely related to each other, of sovereignty, of the responsibility of the ruler, of adequate public sanctions for the enforcement of this responsibility, and of nationality."<sup>2</sup>

The application of this outlook in the American Declaration of Independence bears reemphasizing. When the Declaration invokes "the Law of Nature and of Nature's God" in the opening paragraph, it speaks not of the rights of individuals (though it sees those, too, as God-given) but as the authority under which the American people, as "one people" are "entitle[d]" to "assume, among the Powers of the earth [their] separate and equal station." The reasoning of the Declaration seems to be this: as all governments derive "their just powers from the consent of the governed," the American people are entitled to assert their independence—the independence of their own government—from the control of other governments to which they have not consented.

If one looks at the great debates over purported threats to our sovereignty in this century, they have always been, at bottom, about the proper means of preserving a government accountable to the consent of the governed. Take first the debate over American participation in the League of Nations at the end of the First World War. Defenders of the League were quick to observe that the League could not actually force member states to contribute military forces, that the League's Council could only "recommend" military action. The Senate Foreign Relations Committee, chaired by Henry Cabot Lodge, still insisted on a reservation "to meet the most vital objection" by stipulating that the United States would never send troops to assist in military operations of the League "except by action of Congress" which "by the Constitution of the United States ... alone has the power to declare war."<sup>3</sup>

We have, of course, seen a renewal of this concern in the debates of recent decades over presidential war powers. Most commentators now seem to agree that our post-war defense pacts, such as NATO, would not independently authorize the President to commit troops to the defense of our allies—even in circumstances where treaties promise assistance to an treaty partner under attack—unless Congress directly authorizes such a military response. Even when the Security Council

<sup>2</sup> Charles H. McIlwain, *The Growth of Political Thought in the West* (New York: Macmillan Co., 1932), p. 390

<sup>3</sup> Henry Cabot Lodge, *The Senate and the League of Nations* (New York: Charles Scribner's Sons, 1925), p. 173, quoting the Foreign Relations Committee's report on the covenant of the League.

of the United Nations had expressly authorized military action against Iraq, the Bush administration, bowing to congressional demands, sought and received independent authorization from Congress. The House, I understand, has recently passed a bill aimed at restricting the President's authority to commit troops to UN peace-keeping operations without express congressional approval. The underlying spirit behind this measure seems comparable, in many ways, to the War Powers Act of 1974 (passed by a Democratic majority over the veto of an incumbent Republican President).

Whatever the merits of any particular measure, the underlying concern through all these debates has been quite similar. The concern is not that American troops will be deployed without any control or veto by any part of the American government. The concern is that international commitments or UN authorizations will be invoked to short-circuit the normal, constitutional channels through which our government is supposed to be held accountable to the American people.

These concerns have by no means been limited to questions of military policy. In the early 1950s, Congress gave serious attention to a proposed constitutional amendment, which came to be known as the "Bricker Amendment" (after its leading sponsor, Senator John Bricker of Ohio). The champions of the amendment were particularly concerned about the impact of United Nations human rights conventions on American sovereignty. Of course, they did not seriously suppose that American adherence to these conventions would allow blue-helmeted UN policemen to take over American towns and displace the local administration of justice. These people were not cranks or crackpots. One of the leading advocates for the Bricker Amendment was the President of the American Bar Association at the time; another was an editor of the *American Journal of International Law*. Their quite reasonable worry was that in the name of implementing the conventions, courts would construe Congress to have powers which it would not otherwise have under the Constitution<sup>4</sup> and even worse, might apply the conventions to strike down state and local laws not otherwise in violation of the Constitution or of federal law.<sup>5</sup> So the Bricker amendment sought to clarify that no international treaty would take effect without implementing legislation by Congress and such implementing measures would be constitutional only if they would be judged constitutional in the absence of the treaty.

Of course, the Bricker amendment was not finally adopted. But part of the reason was that Secretary of State John Foster Dulles assured Congress that these concerns were taken quite seriously by the Eisenhower administration and that, in consequence, the administration would not recommend Senate ratification of any of the UN human rights conventions. More than thirty years later, when the Reagan administration finally began the process of American adherence to these conventions, it honored the spirit of the Bricker advocates by supporting a stipulation (adopted in a catch-all reservation by the Senate) that the treaties would have no effect in domestic law without separate congressional action and a further stipulation that the United States did not commit itself to making any specific changes in American law as a result of adherence to the treaties.<sup>6</sup> What the Senate was evidently determined to prevent was a situation in which courts started moving off in unpredictable directions on the basis of language drafted by delegates from a hundred foreign governments.

H.R. 3752 seems to me simply a device for establishing a similar sort of control over the international programs at issue here. The bill seeks to establish legislative control over which lands are placed under the supervision of international authorities. That supervision may be limited, but it is also a characteristically ambiguous sort of supervision. It has the same underlying tendency—which critics of open-

<sup>4</sup>The concern stems from the Supreme Court ruling in *Missouri v. Holland*, 252 U.S. 416 (1920), under which the Court upheld a congressional measure for the protection of migratory birds, though it had previously struck down a nearly identical measure as an unconstitutional interference with the reserved powers of the states. The new measure was upheld because it was viewed as implementing an international treaty on migratory birds, negotiated subsequent to the invalidation of the earlier law. The case still seems to be good law insofar as it holds that Congress has special powers to implement international commitments beyond the powers specifically enumerated in Art. I, Sec. 8 of the Constitution. How far this additional treaty power may extend remains quite uncertain.

<sup>5</sup>See George A. Finch, "The Need to Restrain the Treaty? making Power of the United States Within Constitutional Limits," *American Journal of International Law*, Vol. 47 (1954), p 57, for a useful overview of the arguments and concerns behind the proposal.

<sup>6</sup>It is questionable whether "ratification" with these disabling conditions can really be understood as ratification. I do not mean to endorse the approach taken by the Senate, but simply offer it as a reminder that concerns about protecting American sovereignty—which plainly animated these reservations—have arisen in quite respectable settings: Say what you will, the Senate of the United States is not a body of cranks.

ended international commitments have always warned about—to blur the lines of authority and accountability in our own government.

Let me just give two examples here. First, there is the question of how far—even in a geographic sense—this supervision extends. It is true that the American government itself, pursuant to the treaty, nominated Yellowstone for listing as a World Heritage site. It is also true, however, that only the park itself was nominated. The World Heritage Committee urges a “buffer zone” be maintained around the sites which it lists. Was the United States therefore committing only the Park or much of the surrounding area as well to international supervision? This remains unclear—and is precisely the sort of ambiguity that Congress is entitled to clarify, as the present bill seeks to do. Still more remarkably, the U.S. Man and the Biosphere program has now designated 47 sites—with no legislative authorization at all, without even a treaty. The program simply reflects recommendations of a United Nations agency, never embodied in any formal treaty or convention, hence never placed before the Senate for ratification.

Here is another example. At whose behest did the World Heritage Committee act when placing the Yellowstone site on its “in danger” list? Clinton administration officials have insisted that the committee acted on its own at the behest of environmental advocacy groups.<sup>7</sup> Yet minutes of the World Heritage Committee meeting in Berlin in December 1995 indicate that the representative of the American government did not at all object to having the Park placed on the “in danger” list.<sup>8</sup> So whose policy was this? It is just this sort of confusion—and such opportunities for obfuscation—that traditional doctrines of sovereignty sought to resist.

## II

There may be many circumstances in which it is not feasible or prudent to insist overly strongly on our prerogatives as a sovereign nation with its own constitutional system. It was certainly useful, at the height of the Cold War, to leave some doubt in the minds of our enemies in the Kremlin, as to whether the United States would at once spring to the defense of a NATO partner or sit back and wait until Congress had been summoned and agreed to a declaration of war. But the matters at stake in the international agreements here are not of that kind.

What is the American interest in these programs? The United States had well established programs of conservation long before the United Nations was established. Yellowstone Park, itself, established more than a hundred years ago, is the oldest national park in the world. We do not need the permission of other countries to do what we think is necessary to preserve our own natural or cultural treasures. We do not seek financial assistance for our efforts in these areas. We are unlikely to need technical assistance and, should we feel the need for such assistance, it is even more unlikely that we would experience any difficulty seeking such assistance from other governments or from experts in other countries, quite apart from any ongoing, international program in this area.

Probably the best argument on behalf of such programs is that they may provide encouragement and assistance to other countries to protect their own cultural or natural treasures. Less developed countries in Africa, Asia and Latin America may well lack the financial resources and the technical apparatus to protect “world heritage” sites within their own borders. But even here, if we think such support is important, it is not easy to see why it could not be provided on a direct, bilateral basis by the United States. Nor is it easy to understand why, if so many other developed countries want to participate in such programs, the United States needs to participate, itself.

Yet we do not simply participate on a token basis. UNESCO, itself, has lamented that “world heritage” sites are disproportionately in the developed world. The reason for this seems to be that less developed countries have been less eager to participate and therefore have nominated fewer sites to the list. It is unlikely that the committee involved, with perpetual majorities from less developed countries, has indulged a snobbish, Eurocentric view of what constitutes a “world heritage” treasure. Similarly, the United States, with less than 5 per cent of the sites (18 out of 469), now has more than ten per cent of the sites listed on the “in danger” list (2 of 18, with a third American site under discussion as a possible addition to the list). Is it really

<sup>7</sup> See, e.g., “Dig for the facts and you’ll see who really threatens Yellowstone,” letter published in the WASHINGTON TIMES, February 14, 1996, p. A16.

<sup>8</sup> “The Representative of the United States noted that the Assistant Secretary of the Interior, in a letter dated 27 June 1995, wrote that ‘the Committee should be informed that the property as inscribed on the World Heritage List is in danger.’ ... He [the Representative of the United States] stated that the State Party [the United States] does not consider action by the Committee to be an intervention in domestic law or policy.” (p. 18)

credible that the United States, with all its national wealth and developed infrastructure of environmental controls, is less able to protect its sites than the poor countries of the world? It is far likelier that the United States is simply more eager to participate. So, of 102 "natural"—as opposed to "cultural"—sites currently on the World Heritage List, 15 are in the United States. This appears to be true, as well, with sites designated under the Man and the Biosphere Program. The United States now has almost 15 per cent of the sites registered under this program (47 out of 324 reserves around the world).

There is legitimate question about how well these international programs have done in inducing less developed countries to make greater efforts on behalf of their own threatened sites. And this should hardly be surprising. While it continues to participate in these particular programs, the United States has long expressed its official censure of the international organization which sponsors them—the United Nations Educational, Scientific and Cultural Organization (UNESCO). We officially withdrew from UNESCO in 1984 and have refused to pay general dues to the organization since then. The agency was notoriously mismanaged and politicized. The abuses also have affected the World Heritage program. And again, this can hardly be surprising.

The states represented on the World Heritage Committee are elected by a meeting of the states that are parties to the convention, a meeting sponsored by the General Conference of UNESCO. Many of the countries involved simply send their UNESCO delegates as representatives to the World Heritage committee. Abuses are predictable—and they occur.

In 1982, for example, the World Heritage Committee insisted on placing the old city of Jerusalem on the list of "endangered sites"—at the behest of the Jordanian government. The United States representative at the meeting protested that Israel, which is in effective control of the city, had not asked for this designation, had not even signed the World Heritage Convention and had refused to allow a mission from the World Heritage Committee to verify the charges in the submission by Jordan (whose claim to sovereignty over the old city of Jerusalem is not accepted by the United States, by the United Nations nor by more than a handful of countries in the world).<sup>9</sup> All of this was to no avail. The third world majority in the committee went ahead with a pointless propaganda exercise.

So it was at the latest meeting of the World Heritage committee—the one which placed Yellowstone on the list of endangered sites. Japan raised a question about a site in Vietnam. The committee voted to postpone any action. Ecuador conceded that the Galapagos Islands, under Ecuadorian management, were threatened with a whole series of environmental problems. Ecuador asked for international assistance but specifically asked not to be embarrassed by having the Galapagos placed on the "in danger" list. It wasn't. But Yellowstone Park was.<sup>10</sup> Is it really credible that sites under the control of the United States are more endangered than those remaining in the care of the Stalinist government of Vietnam or the impoverished, chaotic government of Ecuador?

In most cases, however, lack of even-handedness in these programs cannot even be described as an abuse. Built into the programs is a sliding scale of responsibilities, making it impossible to fix the real obligations of any particular country. Of course, it may be perfectly appropriate, in some ways, for wealthier and more technically advanced nations to place heavier burdens on themselves, as they are better able to bear them. Still, it means that we are entering into a set of mutual agreements without any real or reliable reciprocity. It is as if we promise to reduce our weapons stockpiles or lower our tariffs while other countries simply promise to do what they think is reasonable in return.

So what point is there in all this? It does have one consequence, made evident in the Yellowstone affair, which surely pleases some people—and ought to concern this committee. Whatever else it does, the process provides an international forum through which to put pressure on United States government policy. Probably the forum is most welcome for environmental advocacy groups already active within the

<sup>9</sup> Article 11, Par. 3 of the World Heritage Convention specifies that "The inclusion of property in the World Heritage List requires the consent of the State concerned." Israel, though claiming sovereignty over the site in question and certainly exercising exclusive and effective control, was judged not to be "concerned." Among the 21 nations serving on the committee at that time were Libya, Egypt, Iraq, Jordan, Tunisia and Pakistan, as well as Senegal, Zaire, Brazil, Cyprus and Bulgaria.

<sup>10</sup> And this, in spite of the fact that the World Heritage Committee's own "Operational Guidelines for the Implementation of the World Heritage Convention" stipulate that sites can be placed on the "in danger" list only when "major operations are necessary for the conservation of the property" and "assistance under this Convention has been requested for the property" (III.A.iii, iv)—neither of which conditions applied in this case.



United States. Not all of them—and perhaps, given the difficulty of mounting an appeal to an international forum, not many at all of them—are quiet little conservation organizations, seeking to preserve particular little sites like the Royal Saltworks of Arc-et-Senans in France (which is on the list). Among the groups which intervened in the Yellowstone dispute was the Sierra Club, which had earlier mounted a most energetic political campaign against ratification of the North American Free Trade Agreement. Of course, they had every right to exercise their freedom of speech in the United States. But that is the point. We already provide such groups every opportunity to influence government decisions within our own political process. It is hard to understand why the government of the United States should offer advocacy groups new and separate international forum to pursue campaigns (like the one against mining near Yellowstone) which they fear they may lose within our domestic political system.

### III

It may be said in the end that all any advocacy group gets from this is publicity. In the end, the government remains responsible for what it will do. Condemnation by international authorities here is not coercive but merely symbolic. It is not certain that this is true. Having signed the World Heritage Convention, it is more reasonable to suppose that we meant to commit ourselves to abide by its terms. If we are not legally obligated to accept the promptings of the World Heritage Committee, established by that Convention, we may be, in some non-trivial sense, morally committed to give them some weight. It does not seem improbable that it will have some effect on a closely divided policy question. If we could be sure that it had no effect, what did we mean by signing and ratifying the convention?

The Man and the Biosphere program, having no legal basis, would seem to have even less weight as a factor in American domestic policy. Involvement in this program might indeed be described as entirely a matter of symbolism. But there are all sorts of symbols. The "Strategic Plan for the U.S. Biosphere Reserve Program," issued in 1994 as a State Department publication, adopts much of the favored jargon that appears in UNESCO publications on the subject. One that is particularly notable is the term "stakeholder" which appears throughout the publication—as in this description of "zones of Cooperation" ringing the core "protected areas" of the biosphere reserve: "open-ended areas of cooperation, where managing agencies, local governmental agencies, scientists, economic interests, nongovernmental organizations, cultural groups, local citizens and other biosphere reserve stakeholders educate one another in the process of linking conservation, economic development, and cultural values." (p. 4) These "zones of cooperation" include private property. But everything—lands of private owners, lands owned by state or municipal governments, U.S. government land—all seems to be thrown into this happy bundle of co-operating "stake holders," where actual owners seem to have no more status than advocacy organizations from outside, where "local citizens" have no more status than "cultural groups" from the other side of the country. They will all "educate one another" not only on scientific facts about the area in question but each other's "cultural values."

Surely this must be symbolism. It seems to me to symbolize a world where basic constitutional boundaries—as between those who actually have property rights at stake and those who do not, those who actually are citizens of the local government involved and those who are not—no longer matter. Of course, sappy sentiment congealed in bureaucratic jargon is not in itself a terrible menace.

Still this program purports to cover a vast amount of territory in its 47 "biosphere reserves" for purposes which are alarmingly open-ended. It is supposed to contribute to the sharing of data and to "education." Whatever lessons may be learned or taught by this program, it would not be unreasonable for Congress to insist on emphasizing another lesson—that vast programs, however well-intended, should follow from our own legislative enactments, not from the siren calls of international agencies. It is surely not unreasonable for Congress to insist, as H.R. 3752 seeks to do, that no land be submitted to this program without clear and direct approval from Congress. Otherwise, the dreamy vision that shrugs off national boundaries too readily lends itself to another kind of dreaminess that also ignores boundaries between one owner's land and another or between the government's land and the land of private owners.

Let me close by calling attention to a clause in the Constitution that is rarely noticed, because it has never entered into litigation. Article I, Sec. 9 includes a prohibition against granting any "Title of Nobility" by the United States and then goes on to stipulate a wider prohibition for public officials: "no person holding any Office of Profit or Trust under [the United States] shall, without the Consent of the Con-

gress, accept of any present, Emolument, Office or Title, of any kind whatever, from any King, Prince or foreign State." Justice Joseph Story recorded in his Commentaries that it "has been thought doubtful" whether "in a practical sense, [this provision] can produce much effect. ... An intriguing or corrupt agent will not be restrained from guilty machinations in the service of a foreign state by such constitutional restrictions."<sup>11</sup> Still, the framers of the Constitution thought it worthwhile to emphasize the principle—that officers of the United States work for the constituted government of the United States and must draw what honor they have from that status alone.

The bill currently before this committee seems to me in keeping with the spirit of that constitutional provision. If the bill is seen by some as symbolic, it is still a useful symbol. It is not at all inappropriate at this time to reemphasize the congressional duty to keep international commitments from floating free of traditional constitutional constraints.

#### PREPARED STATEMENT OF FAWN A. TANTILLO

My name is Fawn A. Tantillo, I am a County Legislator from Ulster County, New York. Together with my husband, Anthony, and my children, Christina and Sal, I own a small Sporting Goods Store in New Paltz, NY. I am here today to urge you to support HR 3752- The American Land Sovereignty Act of 1996

I have been involved in environmental conservation efforts all of my life. I currently serve on the Ulster County Legislatures Environmental and Consumer Affairs Committee, the New York State Area 48 Deer Management Task Force and the New York State Forest Practice Board. My husband has served on the Hudson River Estuary Management Advisory Committee, and is a noted Hudson River authority. I believe it is reasonable for me to say that we share a genuine love of Ulster County and we are proud to share this resource with the millions of visitors who come to our area annually.

Ulster County is located about an hour north of New York City and about an hour south of Albany. Ulster County is the home of the Shawangunk Mountains, the heart of the Hudson River Valley, the gateway to the Catskill Mountains. It is also the home of the John Burroughs society and legend has it that Ulster County was a favorite visiting spot for naturalist like John Muir, Henry Thoreau and Teddy Roosevelt. We shelter the Ashokan and the Rondout Reservoirs, keystones for New York City's drinking water supply.

Agriculture has always been Ulster County's mainstay, but it is easy to understand why tourism has become our largest growth industry. According to figures from State and Federal surveys, sportsmen alone spend almost 40 million annually in our County. Ulster County has followed true conservation in the utilization of our natural resources. We believe in the "wise use" of these assets for all our citizens. We do not advocate a preservationist agenda which would lock up resources for use only by privileged elite.

Ulster County is still recovering from the downsizing of IBM and the loss of thousands of jobs. This was a genuine economic disaster for us. I am happy to report that with the help of Governor Pataki, we are beginning to turn things around, attracting new business and expanding job opportunities. It is an exciting time of growth and change, and our future looks bright.

I want to tell you all this, so you can understand how important it is, that Ulster County continue to maintain the careful balance we have achieved in conserving our natural resources while at the same time embracing new development.

On December 15, 1994, an application was submitted for designation of the Catskill region as part of a UNESCO Biosphere Reserve. This was done without the knowledge or consent of the Ulster County Legislature. In fact, on July 14, 1994 the Ulster County Legislature had passed resolution # 200 (Attached) reinforcing our desire to retain strong home rule over our land and waterways and actually opposed further takeover of our sovereignty by outside interests including the federal government. When the rumors and news items began to appear about a UN Biosphere, we were surprised to say the least.

At first, we were assured by the advocates of the application that it was merely an honorary designation. That it would bring our area recognition and eligibility for grants and programs that would enhance our efforts to attract tourism. However we soon began to hear words like "re-wilding", "core area" and "eco-region". We began to learn that we, the Legislature, the representatives of the citizens of our county,

<sup>11</sup> Commentaries on the Constitution, Vol. 3,—1346

would have nothing to say about how this Biosphere was to be set up or regulated. That in some Biospheres, core areas were actually de-populated. What did they plan for our beloved Catskills?

Our efforts to unravel this proposal was frustrated by having our questions answered in "preservationist doublespeak", a language that elitist preservationist have made popular. When we asked for guarantees that our parks and open space would remain open to traditional land uses, like hiking, camping, hunting and fishing, we learned that this Biosphere designation could actually replace our endeavors toward conservation with outside preservationist legislation.

At a public information session set up by Ulster County Legislator Barbara Strangfield, it was clear that the vast majority of people were alarmed and angry that outside groups, with questionable motives, were threatening traditional land uses, property values and home rule. This is unacceptable to the majority of the people I represent and I believe it would be unacceptable to most Americans. I believe that it was, in part because of this public outrage that the sponsors have withdrawn the application for the time being.

It is ironic that the very reason this area was even considered, was because local people have done such a fine job of protecting and conserving Ulster Counties natural resources over the years. That by maintaining this fine balance and inviting the world to share it, we found ourselves feeling pushed out of the formula for it's future.

HR 3752, The American Land Sovereignty Protection Act of 1996, will correct this situation. It reinforces home rule, yet leaves the door open for UNESCO Biosphere designation when we, the people of the United States, feel it is in our best interest.. Like other recent decisions concerning UN Command of US troops and UN insignia being worn by US troops, it recognizes that there may be times it is in the best interest of the United States to join forces with the United Nations but we should reserve our right to self determination.

HR 3752 protects individual rights and private interest while at the same time it recognizes that there may be benefits in creating environmental alliances. I applaud the people who wrote this bill because it addresses realistic concerns.

I truly believe that for any conservation effort to truly develop into a long term plan, it must have the support and involvement of the people who love the land and have a personal stake in it's future. Outside legislation and control, that gives no voice or power to the people that are effected is doomed from the start. I again urge your support for HR 3752.

#### RESOLUTION NO. 200 JULY 14, 1994

#### REQUESTING THE STATE LEGISLATURE TO AMEND THE HUDSON RIVER VALLEY GREENWAY LAW IN THE INTEREST OF HOME RULE, PRIVATE PROPERTY OWNERS AND SPORTSMEN

The Environmental and Consumer Affairs Committee (Chairman Dunn and Legislators Busick, Devine, Every, Noonan, Tantillo, Bischoff, Donaldson and Roberts) offers the following:

WHEREAS, Article 44 of the Environmental Conservation Law (Hudson River Valley Greenway) is broadly written with respect to the powers of the Greenway Communities Council and the Greenway Heritage Conservancy, and

WHEREAS, said Article 44 contains little about traditional land use or the rights of private property owners and sportsmen in relation to the expansive powers of the Council and Conservancy, and

WHEREAS, other State regulatory agencies, like the Adirondack Park Agency, have restricted the rights of private property owners, and

WHEREAS, the majorities on the Council and Conservancy are State, not local, appointees, thereby making municipal home rule a difficult goal to achieve, and

WHEREAS, the exercise of their powers have thus far appeared to fluctuate, thereby creating uncertainty as to the extent of future State regulation within the Greenway,

RESOLVED, the Ulster County Legislature hereby requests that Environmental Conservation Law (ECL) Article 44 be amended to allow a restructuring of the Greenway Communities Council and Greenway Heritage Conservancy to reflect more local representation in the interest of home rule, and

FURTHER RESOLVED, that ECL Article 44 be further amended to insure traditional land use, and to specify private property owner's and sportsmen's rights, and

FURTHER RESOLVED, that where municipalities or private property owners do grant easements for recreational use that the responsibilities and liabilities of said property owners be clearly set forth in State Law, and

FURTHER RESOLVED, that the Ulster County Legislature opposes the proposed transfer of the Greenway to the National Park System as yet another attempt to introduce an additional and more distant layer of government into local land use planning, and

FURTHER RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to Governor Mario Cuomo, Senate Majority Leader Ralph Marino, Senate Minority Leader Manfred Ohrenstein, Assembly Majority Leader Michael J. Bragman, Assembly Minority Leader Clarence D. Rappleyea, all representatives of Ulster County in the New York State Legislature, the chief executive officer in each of the ten counties comprising the Hudson Valley Greenway, the New York State Association Counties, and the County Legislators and Supervisors Association of New York State, and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE

AYES: 28 NOES: 3

LEGISLATOR BISCHOFF

LEGISLATOR O'REILLY

LEGISLATOR ROBERTS

LEGISLATOR BERTONE—ABSENT

LEGISLATOR MCCONEKEY—ABSENT

CHARLES D. COOK

SENATE, STATE OF NEW YORK

ALBANY, NY 12247, February 14, 1996

*Hon. Daniel Patrick Moynihan*

*Hon. Alfonse M. D'Amato*

*Hon. Benjamin A. Gilman*

*Hon. Gerald B. Solomon*

*Hon. Sherwood Boehlert*

*5Hon. Maurice D. Hinchey, Jr.*

*Washington, D.C. 20510-3201*

Re Catskills/Biosphere Reserve.

Dear Honorable Gentlemen:

It has come to my attention that The Catskill Center for Conservation and Development is promoting a project to have the Catskills designated a United Nations Biosphere Reserve. This designation is ordinarily applied to unpopulated areas in an effort to limit development and recognize those areas as environmentally valuable due to their current uninhabited state.

This application is apparently pending at the State Department and has been submitted to the United Nations Scientific, Educational and Cultural Organization (UNESCO) Man and the Biosphere Program. Unlike other designated areas, the Catskills are relatively heavily populated, although certainly not urban in character. The residents of the Catskills are currently besieged by New York City's efforts to impose land use regulations and the last thing this region needs is an international group of experts telling us what to do with our property.

Please exert whatever influence you can bring to bear to thwart this ill-conceived plan at its earliest stage. The principles of home rule should not be trampled upon. Such a designation will only open the door for more outsiders to claim a right to direct future development in the Catskills, a right that should certainly be left solely in the control of this region's residents.

Sincerely,

CHARLES D. COOK

*State Senator*

Not here to impose restrictions

# UN's 'Biosphere' group meets, sets course for research

By Carol LaGrasse

The newly-formed Lake Champlain Biosphere Committee is working solely on research and education, the organization's spokesman said Monday.

This assurance counters the concern that Adirondack "Home rule" advocates have raised that a "Biosphere" agency might propose or impose further restrictions on area residents.

The spokesman, Edward Hood of the APA, said the Biosphere program "Would not recommend regulations for new land use restrictions."

This newspaper has recently reported Don Gerdis' warning of tight restrictions coming out of the new international biosphere

See Page 14

## •from front

### UN's Biosphere

committee. Gerdis leads a "home rule" organization titled "Citizens Council on the Adirondacks".

entative biosphere committee made of 10 representatives and experts from NY State and Vermont conservation and forestry agencies, universities and organizations involved in land management, met at the Adirondack Park Agency (APA) headquarters in Ray Brook Monday to negotiate the terms of a consultant's contract.

The consultant, Ad Hoc Associates of Burlington VT, is being hired to plan research and educational work in the Lake Champlain biosphere. UNESCO, a United Nations agency based in Paris, designated the region as a "biosphere" a year ago. It encompasses the Adirondack Park and much of the Vermont / Lake Champlain watershed. Part of Quebec may be added to the region later.

United Nations backs 'Biosphere' program

Hood emphasized that the Lake Champlain Biosphere Committee (LCBC) would have no legal agreement with the APA, al-

though he had a leadership part in selecting the members. The U.S. Man And Biosphere (MAB) Secretariat at the Dept. of State in Washington DC is the agency which handles the entire biosphere program in the United States.

A feature of the 21st Century Commission's report report alerted many people to the Lake Champlain Biosphere concept. The map attached to the Commission's report showed the location of two larger boundaries than the present APA blue line. The newer boundaries outlined a proposed new Adirondack Park buffer zone and the edge of the newly-designated Lake Champlain Biosphere.

James Dawson of SUNY Plattsburgh, a Biosphere Committee member (who was also a staff member of the Adirondack Commission), said that the two lines "Are not related in any way," although they follow similar courses. He said that the Adirondack Park boundaries are "A political interpretation of some of the same values this agency is interested in."

In addition to Dawson and Hood, the tentative Biosphere Committee members at the Ray Brook meeting were Kathleen Regan of the Adirondack Chap-

ter of Nature Conservancy, Richard Paradise of the University of Vermont, Terry Healy of DEC, G. Chilton of Paul Smith's College, Rose Paul of Vermont Agency of Natural Resources, Mark Cleveland of Green Mountain National Forest in Vermont, and Leslie King of University of Vermont's Natural Resource Planning. The Lake Champlain Planning Committee, with offices in Vermont, was absent.

Since the biosphere program began in 1971, about 270 biosphere reserves have been designated, Hood said.

The Lake Champlain Biosphere is a relatively protected and less disturbed sub-zone of the Lake Forest Biogeographical Province that stretches from Minnesota to New Brunswick, Hood said. The Lake Champlain Biosphere Reserve is the largest in the world, Hood said.

#### State-Owned Lands

##### Are 'Core' Areas

The Adirondack part of the Lake Champlain Biosphere map designates State-owned lands as "core areas." He said that the core areas are these least disturbed, and most interesting for biosphere research, and that the "buffer areas" were somewhat disturbed by man. The map also has a small amount of white area

of no designation. Hood said this is where most of the people live. He said that similar biosphere research could be done in the Ural Mountains or Eastern Siberia.

Dawson (who was also chairman of the Adirondack Research Center in Schenectady) said that UNESCO requires that biosphere reserves be protected by law in some way. That is why resource management and rural use zones are selected, he said, not necessarily because they are less disturbed than the white areas on the biosphere map.

A conference will be planned for later this year to obtain a broad cross-section of the public's ideas of what they think a biosphere to be, according to Committee Member Rose Paul. She said the committee had to engage in fundraising to sponsor the conference.

One of the groups on the committee, the Nature Conservancy, is a non-profit organization involved in acquiring and preserving land, Hood said that it was included on the Committee because the Conservancy is involved in land management.

Warrensburg-Lake George News

July 18, 1990

## The Lake Placid News

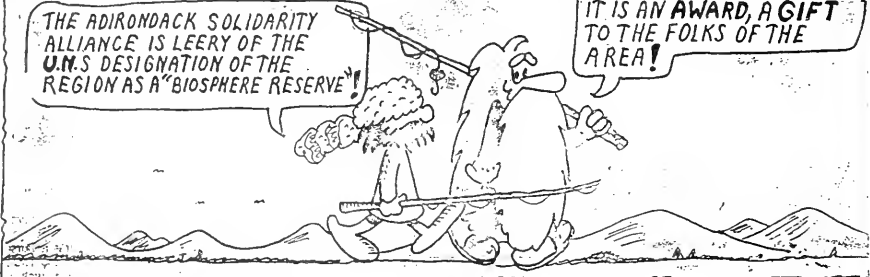


Lake Placid News - 7/14/93

OT. 03 BY PHIL GRIFFIN

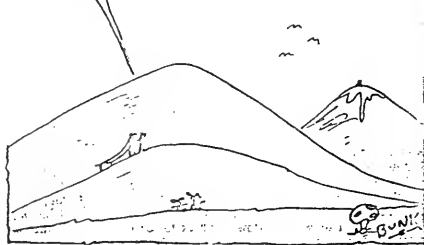
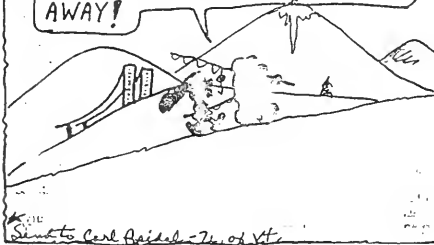
THE ADIRONDACK SOLIDARITY ALLIANCE IS LEERY OF THE U.S. DESIGNATION OF THE REGION AS A "BIOSPHERE RESERVE!"

BUT, ONE BACKER INSISTS IT IS AN AWARD, A GIFT TO THE FOLKS OF THE AREA!



HOWEVER, THIS DOES BRING TO MIND A GIFT TO ANOTHER COMMUNITY LONG AGO AND FAR AWAY!

A LARGE WOODEN HORSE?



Send to Carl Aichel - 7th of VT.

GO BUN!

# Against Biosphere Reserve designation

7-15-83 Enterprise  
Dear Editor:

The July 9 Enterprise article on the United Nations' Biosphere Reserve Conference, by our interpretation, requires further explanation and background information. The Biosphere Conference scheduled for June 22 at the University of Vermont was canceled, according to the organizers because of lack of security. It is absurd to believe that 20 or 30 phone calls requesting admission to the conference would send up a "security-needed alarm." Larry Reandeau of Tupper Lake contacted conference coordinator Rose Paul from the Department of Natural Resources of Vermont and

requested admission to cover the conference for radio station Z102. Interesting to note that shortly after that, executive director Tim Burke of the Adirondack Council called that station to verify the validity of Larry's request.

The concerns of the Solidarity Alliance about the Biosphere Reserve designation are well-founded. On a recent edition of the radio show, Reality Check, which airs on Ticonderoga's WIPS 1250 AM and Tupper Lake's Z102 FM, I interviewed Donald Parmeter who was executive director of a governor's council for the state of Minnesota. The council was charged to study the ramifications of a Biosphere Reserve designation. In answer to my question about the "uncertainty factor" of such a designation, Mr. Parmeter said, "... We were alarmed by several things. The National Park Service brought this issue to our attention in the first place. They wanted support of the state of Minnesota. They said it was simply a voluntary program that had no bearing on how the (area was managed); but once we started looking into this we were... alarmed by the fact that many of the reports and information on this were absolutely contrary to the legislative intent and the law itself."

In the Adirondacks, state-owned land would be considered "core zones" where, in their own words "the sticky issue of hunting, fishing and motorized activity will have to be addressed." All Resource Management and Rural Use lands (87 percent of all private property within the Blue Line) and all other adjacent property, whether or not within the Blue Line, would become "buffer zones." According to Mr. Parmeter, this would, as far as

"compatible uses, mirror the allowed uses of the core zones." All other areas within the Biosphere boundary would be transition zones, even the cities of Plattsburgh and Burlington. According to Mr. Parmeter, "What really alarmed us... is the lack of public information and lack of public participation by those that would be most impacted by it. These places including the one you're talking about in New York and Vermont were nominated without anybody knowing about it. We find that absolutely unbelievable in a Democracy. That's something that would happen in another country, but it's happening here." As a result of the councils' findings the state of Minnesota recommended withdrawal of the nomination which the Department of State did.

Since Mr. Reidel of the University of Vermont claims this is voluntary, who volunteered us? Was it James Dawson of SUNY at Plattsburgh who had a major role in the nominating process? How many local government officials were consulted?... which brings us to the real reason the conference was canceled. The framers of these programs work much better without public scrutiny. According to our records the ZFA nominated the Adirondacks to the "list" to be included in the Biosphere Reserve Program and we wonder who gave them the authority to do so. We intended to hold a press conference and pass out materials describing just what a Biosphere Designation can lead to. Copies of a tape of this informative interview with Donald Parmeter are available by writing to: Adirondack Solidarity Alliance, Rd. 1, Box 202B, Crown Point, N.Y., 12928, or by calling 597-3061.

Dale French  
Chairman  
Adirondack Solidarity Alliance

## PREPARED STATEMENT OF MR. GEORGE MCGOWEN

Dear Mr. Chairman:

I am an elected councilman from the town of Lake George, N.Y. My township is entirely within the boundaries of the U.N. Adirondack-Champlain Biosphere Reserve. This designation is unknown to all but a few of the elected representatives of both state and local governments, and virtually none of the citizenry.

The Biosphere's boundary cuts across both state and international boundaries. This jurisdiction thus becomes a regional government and administration. The monitors of the Biosphere Reserves will thus not be subject to the will of the people, spoken through their elected representatives. County supervisors, legislators, councilmen, are thus rendered impotent in land use planning decisions, except to enforce laws that they had no input in creating.

We in the Adirondacks, already have such a non elected entity, the Adirondack Park Agency. The history of this agency is one of non adherence to the rule of law, and arbitrary executive rulings. Suffice to say, it is the most despised government arm in our region. Although created in 1972, only 11 of the 57 townships have accepted the yoke of their master plan. It is significant that the UNESCO'S designated and documented administrator will be the Adirondack Park Agency. The UN'S man within the agency, also fully documented, is Edward Hood. Although a public servant of the State of New York sworn to uphold the Constitution of the United States, he is in fact serving another government, (United Nations) and carrying out plans and directives contrary to the laws of our nation.

The UNESCO Adirondack-Champlain Biosphere was designated in 1986. What is curious, is that the United States had withdrawn from UNESCO in 1984. They did so because the agency was so blatantly pro-communist and anti-American; and the public's outrage over the subsidy of this UN agency finally persuaded the Regan Administration to withdraw its membership. This action brings into question, whether or not the Biosphere designation is legal as the United States was not a member at the time.

The highly restrictive land use maps of the Adirondack Park Agency and the Biosphere's buffer, core and transition areas are an almost perfect overlay. These entities are running a parallel course, not by coincidence. A recent proposal from the Commission on the Twenty First Century for the Adirondacks, included the draconian proposal of 1 house per 2000 acres. This perfectly coincides with the Biosphere Reserves vision of its "core" area which their own documentation states will allow no permanent human habitation. This planned enviro-cleansing is a subject almost unknown to the residents. It is little wonder that the people as a whole were not consulted. Homeowners, farmers, and loggers would be more than a trifle irritated if they learned of their planned eradication. This would explain why the Biosphere designation came not by due process, but by stealth.

The devil is in the details. Hiding in the bureaucratic and environmentally appealing language are proposals so disturbing that the average citizen if made aware, would be seriously looking for the perpetrators who got us into this web.

On page 98, Item 17 of the UNESCO publication, Volume XX No.4, is the statement "Cooperation has been an embodied concept from its inception. It is an essential of the SYMBOLISM and the key to the fostering of personal commitment on the part of the people." This drivel clearly shows that public relations and the illusion of broad support are part of the deception.

Item 19 states, "Biosphere Reserves" provide the catalyst to martial government agencies to provide perspectives on use and management problems." Translated to recognizable English, that statement means that local and state agencies will disseminate the politically correct information and then become the enforcers. Once again, neighbor will be pitted against neighbor, with cries of extremism on both sides, and all by calculated design.

Item 30 states, "Security for biosphere reserves should be assured through legal instruments. Where protection does not exist, it should be developed." One does not need a Cryptographer to decipher the meaning of this statement. It is clearly the plan for a regional police force which begs the question, answerable to whom?

In excess of 40 areas in the United States have been already administratively designated Biosphere Reserves by the U.S. Park Service. This U.S. agency is required to sign a declaration of commitment to the UNESCO Action Plan. Members of congress should be uncomfortable with the concept of the park service entering into the arena of Foreign policy. This is clearly another example of the movement away from national sovereignty.

On September 25, 1992, The Association for the Protection of the Adirondacks gushed that the park "had achieved international recognition which includes developing mechanisms that reach beyond the boundaries of New York State" this is a



typical statement by an environmental organization which is endorsing the concept that the sovereignty of the United States is to be suborned to an unelected world body.

When exposed, one of the techniques for selling statist land control to an unaware or uneducated public is ambiguous plans and definitions. The writers know exactly what their plans and intentions are. Anything less than clearly spelled out definitions and parameters is the equivalent of buying a pig in a poke or as they say in the carnival, when slight of hand is used to fool, "smoke and mirrors."

Another technique for environmental legislation is the manufactured crisis. The impending doom thus can only be averted by quick action from a panicked and stampeded public. This crisis is then remedied by elitist central control because the peasants cannot grasp the enormity of the problem. Home rule and constitutionally protected rights are thus sacrificed for the "common good."

A perfect example of managed news and a stacked deck was staged at a June 22, 1993, meeting at the University of Vermont ostensibly for those interested in the Adirondack Champlain Biosphere Reserve. Attending by invitation were representatives of environmental groups and planning agencies. Absent were the Farm Bureau, industry representatives and private property rights groups. The Adirondack Solidarity Alliance, a local organization, was refused admittance to this public meeting. Governor Dean then abruptly canceled the meeting. Dissenting views were clearly not to be tolerated. A more graphic example of phony democracy would be hard to find. The false consensus, which would have been press released, had been temporarily put on hold by legitimate members of the community demanding to be heard and that their rights be upheld.

When the Biosphere designation is subject to full debate and scrutiny, the public's reaction is less than enthusiastic. In 1987 the state of Minnesota rejected this "honorary" designation after deciding it to be "anti-human." Leading the fight was the International Falls Chamber of Commerce, Koochiching County Board, both U.S. Senators Durenberger and Boschwitz, and the Minnesota Department of Natural Resources. Across the board when fully informed, the local people spoke loud and clear, and what they said was "NO!". The Catskill Mountains likewise did the same after the citizenry and their legislatures became aware of the consequences of this new "green lining." Biosphere enthusiasts must therefore screen audiences and panels beforehand to produce the desired outcome. This stage managed, technique was used quite effectively at the Earth Summit in Rio. Eminent scientists and politicians who were politically incorrect ie: Dr. Dixie Lee Ray, former head of the Atomic Energy Commission and former Ambassador to the U.N., Jeanne Kirkpatrick were ostracized from the debate. In our own area the Conference on Biodiversity and Sustainable Development held at Silver Bay and sponsored by the Adirondack Park Agency was a similar canned event to promote the environmental agenda and internationalism. In Ambassador Kirkpatrick's own words, "sustainable development is but an elaborate scheme for wealth redistribution".

Who but a deliberate deceiver would say that the Biosphere Reserve is but an honorary designation?

When completely informed, what citizen would believe this to be anything but a U.N. management and control plan?

What citizen, when the green camouflage is cut away, cannot see the Biosphere Reserve as anti-American? and an end run around the sovereignty of the United States?

Sincerely,

GEORGE MCGOWAN  
Councilman, Town of Lake George

PREPARED STATEMENT OF HON. BOB LESSARD

**BOB LESSARD**  
 Senator 3rd District  
 111 State Capitol  
 75 Constitution Avenue  
 St. Paul, MN 55155-1606  
 Phone: (612) 296-4136



## Senate

State of Minnesota

September 25, 1996

Honorable Don Young  
 Chairman  
 House Resources Committee  
 1324 Longworth House Office Building  
 Washington, D.C. 20515

Dear Chairman Young:

I am writing to express my strong support for your bill the American Land Sovereignty Act (H.R. 3752) which would provide badly needed congressional oversight for areas designated as World Heritage Sites or International Biosphere Reserves in accordance with the United Nations Educational, Scientific and Cultural Organization (UNESCO).

The Northwoods International Biosphere Reserve was proposed for much of northern Minnesota in the mid-1980's. This proposal included Voyageurs National Park and the Boundary Waters Canoe Area Wilderness.

Thankfully, the area was withdrawn from consideration because of massive local opposition. A bipartisan commission created by the Minnesota Legislature concluded, among other things, that the designation would be contrary to the purposes for which Voyageurs National Park was established. It was also found that this designation included provisions for creating buffer zones around federal areas. I understand that former Wilderness Society President George Frampton, who is currently Assistant Secretary of Interior for Fish, Wildlife and Parks, proposed creating biosphere reserves around all national parks and wilderness areas where roads would be closed and economic development would be eliminated.

I also understand that dozens of these areas have been created throughout the United States with virtually no legislative oversight or public input. I consider this an appalling situation that needs to be remedied.

As Chairman of the Senate Environment and Natural Resources Committee, I am concerned about the motives and intentions of those who propose increased federal and state land use control under the guise of a program administered by the United Nations.

**COMMITTEES:** Chairman, Environment & Natural Resources • Environment & Natural Resources Finance Division • Gaming Regulation • Metropolitan & Local Government • Rules and Administration • Iron Range Resources & Rehabilitation Board • Legislative Commission on Minnesota Resources •

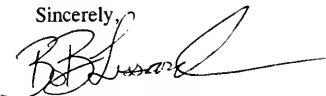


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Honorable Don Young  
Page Two  
September 25, 1996

In this day and age of open government, I cannot understand how programs like these can continue without congressional oversight and local public input. As a result, I enthusiastically support the American Land Sovereignty Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Lessard", with a long horizontal flourish extending to the right.

Senator Bob Lessard  
Chairman, Senate Environment and Natural  
Resources Committee

PREPARED STATEMENT OF EVERETT G. MIDDLETON

September 7, 1996

Members of Congress  
House Sub-committee  
Washington, D. C.

Congress should pass H.R. 3752 in order to prevent programs such as the United Nations Biosphere Reserve initiative. The lands of the United States must be protected from plunder.

A short two weeks ago I became aware of an attempt to designate a huge piece of Arkansas and Missouri (see attached Ozark Highlands proposal) as a Biosphere Reserve. Our efforts may have stalled that designation but we need legislation to prevent future problems.

Any program to designate properties of the United States should properly come as result of actions by our elected officials in the House of Representatives. This is in keeping with our system of government. What we do not need, and must be protected from, is the seizure of lands by non-governmental organizations. This is a threat to private property rights as well as state and national sovereignty.

An attempt was made here in the Ozarks to initiate efforts to place 48,000 square miles of state lands, most of which is private property, into the MAB system. Not one elected official in the state of Arkansas was involved in this designation. A group of non-governmental agencies, several of them federal agencies, were involved in this designation. (see attached list of agencies.)

As proof that this attempt was conducted under a cloak of secrecy I offer the following: The governor of Arkansas, Mike Huckabee, my congressman, Tim Hutchinson, and my county judge, Kenneth Jefferson were all unaware of this program until a few weeks before the signing of agreements was to take place. Also, while it was necessary for this group to publicize their program, they choose the smallest newspaper in this part of the state as the means of publicity. The Rackensack Monthly, a newspaper with a life span of four months and a readership of a few hundred was the publication of choice by the group.

The effort to place our lands under MAB designation was characterized by dishonesty. An interview of 90 persons supposedly took place and resulted in a near unanimous approval by the interviewed. (see attached literature). While it has been impossible to contact many of those interviewed, many persons contacted stated they

were never interviewed and that indeed, would not be in favor of such a designation. I enclose a letter from Kenneth Jefferson, County Judge, whose name appears on the list of interviewed people. He states he was not interviewed. He certainly does not favor such a program.

One of those persons interviewed was Lynn Neff. Mr. Neff was also involved as signator as well as helping organize this effort. So much for an unbiased interviewee. (see list of persons interviewed)

The citizens of this country need protection from programs of this nature and the states and the nation must be protected. The American Land Sovereignty Act would be a good beginning and I urge the committee to send this bill to the floor of the United States House of Representatives and to urge our elected representatives to pass this bill.

Sincerely,



Everett G. Middleton  
HCR 64, Box 616  
Flippin, Arkansas 72634

Enclosures (5)

## BIOSPHERE RESERVE NOMINATION FORM

DRAFT

1. COUNTRY: United States of America
2. OFFICIAL NAME OF THE RESERVE: Ozark Highlands Man and the Biosphere Cooperative
3. BIOGEOGRAPHICAL REGION: Interior, unglaciated low plateaus (Ozark Plateau Province)
4. SIZE AND SPATIAL CONFIGURATION (see map)

4.1. Size of Core Area(s): 80,530 hectares4.2. Size of Buffer Zone(s): 616,140\* hectares4.3. Approximate Size of Transition Area(s): 507,520\*\* hectares

\*cooperator administered within the Buffalo and Current River watersheds.

\*\*privately administered within the Buffalo and Current River watersheds.

## 5. ADMINISTRATIVE AREAS INCLUDED IN THE PROPOSED BIOSPHERE RESERVE

If one or more existing and contiguous administrative areas (e.g., national park, nature sanctuary, experimental station) are to be included in the core area(s) and buffer zone(s) of the proposed biosphere reserve, give the name(s) of these administrative area(s) and the name(s) of the authority(ies) responsible for its/their management.

N/A

If the proposed biosphere reserve consists of several areas which are geographically separated and managed by different administrative authorities, give the names of these administrative areas and the names of the authorities responsible for their management. In this case (cluster biosphere reserve), a supplementary form should be completed for each administrative authority concerned. The MAB Secretariat can provide this supplementary form upon request.

Arkansas: Arkansas Natural Heritage Commission, Harold K. Grinnett (Director), Little Rock; Buffalo National River (NPS), John D. Linahan (Superintendent), Harrison; Ozark National Forest, Lynn C. Neff (Forest Supervisor), Russellville.

Missouri: Mark Twain National Forest, B. Eric Morse (Forest Supervisor), Rolla; Missouri Department of Conservation, Jerry J. Presley (Director), Jefferson City; Missouri Department of Natural Resources, David A. Shorr (Director), Jefferson City; Ozark National Scenic Riverways (NPS), Arthur L. Sullivan (Superintendent), Van Buren; Pioneer Forest, Clinton E. Trammel (Manager), Salem; The Nature Conservancy, G. Rodney Miller (State Director), St. Louis.

# **Feasibility Study for an Ozark Man and the Biosphere Cooperative**

*Report to the* OZARK MAN AND THE BIOSPHERE  
STEERING COMMITTEE

*Prepared by* JUDY FAULKNER and JOHN WHITE  
ECOLOGICAL SERVICES

SEPTEMBER 1991

## APPENDIX 2

## LIST OF PERSONS INTERVIEWED

## Personal Interviews in Arkansas .....

• Guy Alexander  
Marion County Farm Bureau  
Highway 62 East  
Yellville, Arkansas 72687

4494081

Judge R.C. Alexander  
Stone County Courthouse  
Mountain View, Arkansas 72560

Jerry Ashworth  
Northwest Arkansas Economic Development  
District  
P.O. Box 190  
Harrison, Arkansas 72601

Gary & Judy Belletini  
Dogwood Lodge  
505 Shorecrest Drive  
Bull Shoals, Arkansas 72619

Kent Bonar  
Newton County Wildlife Association  
HCR 62, Box 660  
Deer, Arkansas 72628

Scottie Carr  
Gilbert General Store  
Gilbert, Arkansas 72636

John Cooper, Jr.  
Cherokee Village  
P.O. Box 60  
Bentonville, Arkansas 72712

Audie DePriest  
Searcy County Office of Economic  
Development  
P.O. Box 938  
Marshall, Arkansas 72650

Judge Joe Dillard  
Baxter County Courthouse  
Mountain Home, Arkansas 72653

Judge Curran Everett  
Fulton County Courthouse  
Salem, Arkansas 72576

Ben Fruchauf  
Gilbert General Store  
Gilbert, Arkansas 72636

Sandy Garcia  
Ozark Recycling Enterprise  
HC 79, Box 271A  
Marshall, Arkansas 72650

Jim Gaston  
Gaston's White River Resort  
1 River Road  
Lakeview, Arkansas 72642

Randy Gibbons  
Newton County Farm Bureau  
East Side of Square  
Jasper, Arkansas 72644

Teresa Hayes  
Newton County Wildlife Association  
HCR 70, Box 561  
Jasper, Arkansas 72641

Judge Kenneth Jefferson  
Marion County Courthouse  
Yellville, Arkansas 72687

Edmund Luther  
Stone County Commissioner  
Stone County Courthouse  
Mountain View, Arkansas 72560

Doug McClelland  
Crooked Creek Resource Conservation and  
Development Commission  
P.O. Box 307  
Yellville, Arkansas 72687



Terry Horton  
Arkansas Wildlife Federation  
7509 Contrell Road  
Little Rock, Arkansas 72207

✓ Jack Linahan, Superintendent  
Buffalo National River  
P.O. Box 1173  
Harrison, Arkansas 72601

Randall Mathis, Director  
Arkansas Department of Pollution  
Control and Ecology  
P.O. Box 9583  
Little Rock, Arkansas 72219

Ronnie D. Murphy, State Conservationist  
Soil Conservation Service  
5404 Federal Building  
700 West Capital  
Little Rock, Arkansas 72201

✓ Lynn Nelf, Supervisor  
Ozark National Forest  
P.O. Box 1008  
Russellville, Arkansas 72801

Ken Smith, Special Assistant  
for Natural and Cultural Resources  
Office of the Governor  
State Capitol  
Little Rock, Arkansas 72201

Sam & Phyllis Speers  
Ozark Society  
Route 6, Box 12011  
Mountain Home, Arkansas 72653

Ken Steel  
Arkansas Water Resource Research  
Center  
113 Ozark Hall  
Fayetteville, Arkansas 72701

Van Thomas  
White River Planning and Development  
District  
P.O. Box 2396  
Batesville, Arkansas 72501

Chris Varneycastle  
Arkansas Forestry Association  
410 South Cross  
Little Rock, Arkansas 72202

State Senator Nick Wilson  
P.O. Box 525  
Pocahontas, Arkansas 72455

Steve Wilson, Director  
Arkansas Game and Fish Commission  
2 Natural Resources Drive  
Little Rock, Arkansas 72205

#### Telephone Interviews in Missouri .....

Rex Campbell  
Department of Rural Sociology  
University of Missouri  
Columbia, Missouri 65201

Leo A. Drey  
Pioneer Forest  
941 Syndicate Trust Building  
915 Olive Street  
St. Louis, Missouri 63101

Representative Joe Driskel  
State Capitol Room 234  
Jefferson City, Missouri 65101

Robert Flanders, Director  
Center for Ozark Studies  
Southwest Missouri State University  
Springfield, Missouri 65804

Representative Don Kohler  
State Capitol Rm 115-E  
Jefferson City, Missouri 65101

G. Tracy Mehan III, Director  
Missouri Department of Natural  
Resources  
P.O. Box 176  
Jefferson City, Missouri 65102



**Kenneth E. Jefferson**  
*County Judge*

'Working For Marion County'

September 6, 1996

To whom it may concern:

My name was listed in a publication called "Feasibility Study for an Ozark Man and the Biosphere Cooperative" as one who had been personally interviewed. The interview never took place, and after reading information on the subject, I do not and will not support such a program.

If there are any questions or if I may be of assistance in any way, don't hesitate to contact me.

Sincerely,

  
Kenneth E. Jefferson  
Marion County Judge

KEJ:tc

## PREPARED STATEMENT OF CONNIE BURKS

Date: 9/9/96

To: Mr. John Rishel  
Room 1413 A LHOB  
Washington, D.C. 20515  
fax: 202 225 6128

Re: Testimony before Resource Committee concerning HR 3752  
specifically contending the Man and Biosphere Programme to be  
an inappropriate, criminal presence and a grave danger within  
our borders

Pages of Testimony - 4

Pages of Documentation - 8

From: Connie Burks  
HC 70 Box 321  
Jasper, AR 72641  
(501) 861-5646

Recommendation: This testimony should be given special attention  
because of the current situation of Ozark Highland  
Man and Biosphere (MAB) effort being presently  
exposed at the "last minute" before its intended  
September 1, 1996 "target date" inception of  
process to "see it through to completion".

Also that written testimony submitted by  
Mr. Everett Middleton be considered alongside  
this testimony as supporting and supplementary  
documentation.

#### TESTIMONY:

Personal acquaintance with subject of Man and Biosphere (MAB) Program

None, until about two months ago (mid July '96) when I made a  
curiosity phone call to a National Park Service Headquarters near  
my home. Having read a Christian newsletter article warning about  
the MAB Programme, I asked about the possibility of such a program  
ever occurring in my home area. I intended to state my opposition  
early before it might ever be considered here. I was surprised and  
alarmed when told that September 1, 1996 (less than 6 weeks away)  
was a "target date" for 12 agencies/organizations of Missouri and  
Arkansas to respond about being signatory members of such a MAB  
Cooperative effort. Subsequent phone calls and a personal visit  
to the Buffalo River NPS office resulted in pages and pages of  
"information sharing" from their office as the gentleman in charge  
of the effort, Mr. George Oviatt, attempted to convince me of the  
Programme's harmlessness as he explained the procedure of the plan.  
Instead of being pacified, I was further alarmed, especially with  
the potential risks of the UN connection and with the low key way  
the Programme was being incepted.

The following is a list of points that reveal the deceitful way in  
which the Ozarks MAB Programme has been designed:

## POINT #1:

The letter to the 12 agencies/organizations was open-ended (see Item A-paragraph 4) in suggesting a way any of them might be able to participate even though they might not be able to be signatory members because of "current conditions" (apparently meaning public dissent).

Mr. Ovatt told me all 12 signatures would not be necessary for him to proceed with submitting the nomination form to the U.S. MAB Committee in the State Department in Washington which is the final step in the process of requesting approval for actual designation as a Biosphere Reserve.

An enclosure with the letter, entitled "Management Briefing of Prior History" (see Item B) stated that "catalytic grants" might possibly be available for those partners who would implement the Programme.

## POINT #2:

Though MAB Programme has been under consideration for at least 6 years, only 1 single article of media publication could be produced by the NPS office. It appeared in a very short-lived monthly newsmagazine, The Rackensack Monthly, December 1993 issue (Item C). This paper had a very limited circulation.

## POINT #3:

Any elected officials I contacted (from County Judge and State Legislator levels even to the Governor's office) were totally unaware of both the Programme and its pending situation of bringing UN designation upon us. Even U.S. Congressman Tim Hutchinson, co-sponsor of the current HR 3752 which addresses and opposes the MAB problem, was unaware that the Programme was about to be established in his own district of representation.

## POINT #4:

Contained in the Feasibility Study done for the Ozarks MAB initiative were the lists of people (i.e. County Judges, Farm Bureau agents, local citizens, etc.) who had been interviewed concerning the concepts of this Programme. (See Item D) Also in the same section of the Feasibility Study is a sample interview that was supposedly conducted with these people. It states plainly that it was intended to gain insights to attitudes about the MAB concepts "without enquiring directly". (See Item E). From these dubious interviews they concluded "almost universal acceptance of the concepts..." (See Item D again.)

However! In the process of personally contacting these County Judges, Farm Bureau agents, local citizens, etc., a substantial number of them tell me they have never heard of such a Programme, neither can recall an interview of any kind to do with the MAB Programme. They state, in essence, both verbally and in writing, that they have no knowledge of such a Programme and would have opposed any such concepts had they been asked directly. (See Item F- three samples of these written statements- more available)

## POINT #5:

When I initially contacted the 12 agency/organizations who were making a decision by September 1, 1996, I told them I was checking on their position concerning information supplied to me by Mr. Oviatt of NPS. They apparently assumed I was working in cooperation with him and most of them positively indicated both support for the MAB Programme and intention to either sign or cooperate with the agreement. However, when I revealed my opposition to the Programme, all but two of them immediately changed their attitude from "yes, we support" to "I can't say for sure." With the help of Take Back Arkansas, Inc. recording secretary, Mary Denham, we prompted some local people and elected officials to also contact these agencies/organizations. They subsequently received the same "backing away" attitude that I had. Also, in some cases, even a pretense that their group had not seriously considered it anyway. Evidence shows plainly to the contrary. (See again Item A-paragraph 2).

## POINT #6:

WinRock International support of this effort bears investigation in light of Mr. Oviatt's statements to me of the County Resource Councils usefulness in the overall effort. Resource Councils are funded at least in part by WinRock International. Also this is named as a cosponsor of a 1993 Ozark MAB Regional Conference in Harrison, AR. (See Item G).

## POINT #7:

NPS implied to me that desire for acquiring the Programme's benefits for our area originated with area agencies/organizations needing such a "framework" among themselves and they were in the position of asking for this "UN benevolence". However! The Cooperative Agreement states plainly that the International Coordinating Council of the MAB Programme "has recognized the Ozark Highlands region as one of the most suitable areas in the world for developing a model cooperative....". It is also mentioned as being "globally significant". (See Item H-bottom of page 1).

## POINT #8:

Being that the 1994 Strategic Plan for the U.S. Biosphere Program publication states on page 3 that "U.S. Biosphere Reserves are important areas for developing the data.....needed to implement the recommendations of the United Nations Conference on Environment and Development (i.e. Earth Summit 1992)- one of these recommendations is the Convention on Biological Diversity Treaty which our Senate has rightfully refused to ratify- this proves that the MAB Programme was hatched in the same nest as a myriad of other "environmental causes" (i.e. GACS, GBA, CBD Treaty, Wildlands, Wetlands, etc.etc.). And upon honest investigation, the principles and goals of these very questionable intruders are found to be totally unacceptable to the American tradition of life and liberty.

## CONCLUSION:

For the reasons named above I believe the U.S. Man and Biosphere Programme is definitely worthy of Congressional investigation and should be declared unworthy of toleration in any past, present, or future form on U.S. soil.

The ancient principle of war is the displacement of people and possession of their homeland. These are the confessed goals of the above named environmental causes in much of their published literature- all for the supposed "worthy" cause of biodiversity protection- but nonetheless still their goals. And to frightening degrees their plans of population reduction and resettlement of the human species whom they characteristically see as the enemy in the "web of life".

I, therefore, contend that though this MAB Programme and its proponents posture themselves and their UN connection as non-regulatory, "nothing more than a plaque on the wall", that in reality this is a Trojan horse tactic which came in to us by craft and deceit. And the 47 of these Biosphere Reserve Trojan Horses already well entrenched on American soil pose an ominous threat to our sovereign rights in this land of our heritage.

And while I believe this HR 3752 to be a positive way of dealing with the enemy among us, I fear that its implementation by the usual slow process of legislation might have the "trigger effect" of prematurely unlatching the trapdoors of the Trojan horses thereby pouring forth the enemy's already disclosed plans for global control of our American homeland. The perpetrators of this carefully designed tactic of 25 or more years are not going to kindly bow to the dictates of a piece of paper numbered 3752 and just get up and leave.

Effectiveness of this measure will lie in its swift passage and a readiness of American power to reclaim our traditional position of inheritance and to oust this friendly appearing enemy who should have neither place of honor nor power of position among us.

Full and immediate enforcement of this may be necessary to avoid the very real possibility of foreign troops being activated within our borders.



## United States Department of the Interior

NATIONAL PARK SERVICE  
 Buffalo National River  
 P.O. Box 1173  
 Harrison, Arkansas 72602-1173

DI PERMITS REF 102

H16 (BUFF-ONR)

July 1, 1996

Sent 7/2

Item A

*I was asked to respect the privacy  
 of this letter  
 It was addressed to one of the 12 groups  
 listed on page 4.*

As promised we have inquired as to the tentative status of your agency's interest in continuing the regional Man and Biosphere (MAB) effort at this time. The consensus of these phone calls appears to be in support of continuing the MAB effort.

We believe in the Man and Biosphere concept and that all the effort, time, and funding that each of you and your agencies have contributed since 1989 should now lead to a focused effort to see this idea through to completion.

The question becomes where do we go from here? We would like your response to the following:

1. A copy of the draft Cooperative Agreement has been enclosed for your final review to facilitate signature by interested partners.
2. We would ask you to provide the position of your agencies or organization regarding your interest in participating in a regional MAB Cooperative.

If current conditions do not enable your agency or organization to participate as a signatory member of the Cooperative or in nominating your site at this time, you may wish to consider being identified as a cooperator with the Cooperative (you agree with MAB concepts, and will explore opportunities for sharing information and cooperating on particular activities).

3. We would also recommend the Steering Committee meet again this fall to reach consensus on phase II which would be expansion of the Committee and identifying a new Coordinator to replace Dave Foster who recently retired from Federal service.

Please give these items careful consideration as we seek to move forward in this effort.

We would like to have your reply to the above three items no later than September 1, 1996. Contact George Oviatt of my staff at 501-741-5443, ext. 114, if you have additional concerns or questions.

Sincerely,

John D. Linahan  
 Superintendent

enclosed  
with letter to  
12 agencies  
making  
decision

Item B

# MANAGEMENT BRIEFING OF PRIOR HISTORY

We would like to provide some background on the effort thus far as we understand it for those of you who have not been personally involved in this cooperative effort. The Feasibility Study for an Ozark man and the Biosphere (MAB) Cooperative, completed in 1991, identified opportunities for applying biosphere reserve concepts to help link conservation, research, sustainable development, and local participation in the Ozark Highlands. The study serves as a catalyst and guiding document for the subsequent work of our Steering Committee. That Committee has prepared (a mission statement) for an Ozark Highlands Regional MAB Cooperative, (a draft Cooperative Agreement), and completed information summaries and a (nomination form) to support U.S. nomination of (complementary management areas) for international recognition as part of an Ozark Highlands Biosphere Reserve. An important remaining component for the Steering Committee's consideration is how best to facilitate the (full participation of government, private entities, and local communities in a future regional MAB Cooperative. Although the feasibility study documented "almost universal acceptance of the concepts embodied in the Man and Biosphere Program", some partners may still desire additional perspective on the practical benefits of the MAB approach in helping them pool increasingly stretched financial and human resources to assess and address important local and regional issues. In this context, we note that the U.S. MAB's Biosphere Reserve Directorate has recently proposed a new initiative to provide catalytic grants for local partnerships working to implement biosphere reserve concepts. We have contacted the Coordinator and expressed a willingness to participate. If funded by the U.S. National Committee, this initiative would offer possibilities for supporting cooperation in the Ozarks.

Unit  
ready  
just  
has  
been  
Catalytic  
grants  
5/16/92  
Casper

CC to the following:

Arkansas Game & Fish Commission  
Missouri Department Conservation  
Pioneer Forest  
The Nature Conservancy (Missouri and Arkansas)  
U.S. Fish & Wildlife Service  
Arkansas Natural Heritage Commission  
Missouri Department of Natural Resources  
U.S. Forest Service (Ozark and Mark Twain)  
Ozark Land Trust



## Environment

## United Nations resources project discussed for Ozark region

By VERN MODELAND  
Special to the Rackensack Monthly

About 40 persons from the agricultural, environmental, political and social fields met in Harrison last month for talks on including the Ozarks in a United Nations natural resources protection project.

Discussed was the Man and the Biosphere program administered by the United Nations Educational, Scientific, and Cultural Organization (UNESCO). Affiliation could establish the Ozarks as the second major regional program reserve in the United States.

Hubert Hinote is executive director of the Southern Appalachian Man and Biosphere Reserve, one of the largest reserves in the UNESCO program worldwide. He said the program has become a model in protecting a globally significant ecosystem and offers a wealth of scientific expertise.

A biosphere reserve links private, government and academic interests to protect natural resources, Hinote said. He said some achievements of the program in the Appalachians in-

clude:

- A model community planning program, aimed at linking tourism development with conservation of natural resources.

- Support in restoring endangered and threatened animal and plant species including re-introduction of the red wolf in the Great Smoky Mountains National Park.

- Development of environmental education programs for schools and the publishing of a directory of such programs available in the region.

- Production of periodic resource management workshops and an annual planning meeting.

- Establishing a forest health monitoring program.

- Initiatives in public education including the study of methods of controlling dogwood anthracnose disease and other threats to the area's environment.

"Each reserve unit is a unique resource, typically one that is shielded from the influence of unbridled development," Hingle said. "Biosphere reserves become proving ground for ecological research and monitoring a landscape for learning. The lessons learned are then extended to a surrounding zone of cooperation through voluntary community projects."

Hinote said the Southern Appalachian reserve includes parts of Alabama, Georgia, Tennessee, North Carolina and Virginia.

Within it are national and state parks, National Forest lands, research laboratories and several large tourist attractions.

Hinote observed that the region has experienced tremendous and largely uncontrolled growth in the last 20 years, not unlike parts of the Ozarks. He added that poor planning has often hindered wholesome economic development and damaged irreplaceable natural resources.

Hinote stressed that the biosphere reserve program he heads has no legal mandate or extraordinary funding. It relies on discretionary dollars available in the budgets of eight federal and two state member organizations plus private donations.

Others making presentations included Tom Foti, of the Arkansas Natural Heritage Commission. Foti presented a photo-supported overview of the topography, climate, water resources, vegetation and geological patterns in parts of Missouri,

Arkansas, Oklahoma and a corner of Kansas.

Donald Voth of the University of Arkansas Department of Rural Sociology, discussed social problems of ecosystem management in the Ozarks region. Milton Rafferty, director of the Department of Geography, Geology and Planning at Southwest Missouri State University, shared some experiences of his 25 years tracking changes in area commerce and population. Emphasis was on the growth of tourism and its impact on 83 communities in Missouri and Arkansas.

Taney County on any given August day, has 100,000 population, making it the fifth largest city in Missouri," Rafferty said. "Ozarks tourism growth is not uniform. Most of it is in corridors and a triangle oriented to Interstate Highway 44 and U.S. 71."

Tourism growth in the Ozarks has been supported by a \$1 billion investment of government funds enhancing recreational opportunities in Missouri and Arkansas, he added.

Rafferty spoke of "nodes of concentration," so-called "hard" development such as that seen around Branson and "soft" or environmentally conscious tourism development, mostly occurring within 10 miles of highways. He also talked of "ec" development nodes elsewhere in the Ozarks, supporting hiking, camping, "for fee" hunting and other recreation requiring no special infrastructure.

A panel of five people discussed successful projects now in place in the Ozarks. Panelists were Andy Anderson, presiding commissioner of Dent County, Mo., who described the Ozark Scenic Rivers Partnership; Loring Bullard, director of the Watershed Committee of the Ozarks; Gary Vales of the Kerr Center for Sustainable Agriculture, representing Meadows Creek, a research and education facility near Fox, Ark.; Gregg Galbraith, executive director of the Ozark Regional Land Trust; and Mack Van Patten from the Cooperation Federation of Missouri, representing the Stream Team protection program.

After the meetings, some participants visited the Baker Prairie preserve in Harrison, then went to Boxley Valley in Newton County, Ark. Paul Villines told them of ongoing cooperative projects involving the National Park Service and U.S. Forest Service. They also talked with other residents who have had personal experience working with the government to preserve the Buffalo River

THE OZARK BIOREGION

The Rackensack Monthly

The News Magazine of the Ozarks and Ouachitas

Pelsor (Newton County) Arkansas 72856

Published monthly except in January and July by Ozark Communications, HC 30 Box 81, Pelsor, AR 72856. Phone (501) 254-5252.

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Established 1993 only existed 4 months

THE OZARK BIOREGION

From 1991  
Feasibility Study

Item D

## SUMMARY

A biosphere reserve consists of land designated to be part of the United Nations' *Man and the Biosphere Program*, known as MAB. The purpose of MAB is to develop and show ways to conserve the natural resources of a region while benefiting the local economy and quality of life. The Man and the Biosphere Program accomplishes its goals through coordinated research, education, and demonstration projects.

A regional MAB cooperative consists of a group of biosphere reserve sites and cooperators which involve local residents and organizations in activities that help sustain the region's ecosystems.

Biosphere reserves consist of three zones. A *core area* consists of strictly protected land such as a nature preserve. An adjoining *area of managed use* is managed in a manner consistent with protecting the core. A surrounding *transition area* forms the third zone and stresses education and conservation-minded development and resource use. These zones help describe a biosphere reserve, but they do not determine or regulate how the land is used.

In 1988 interested public and private groups formed a steering committee to look into whether the MAB approach could help improve the environmental quality of the Ozarks and the welfare of its people. A Man and the Biosphere cooperative program was seen as a possible way to bring people together to address regional problems that need to be solved by sharing information, resources, and goals.

The Ozark MAB Steering Committee and the U.S. MAB program sponsored this study and report to determine the feasibility of using the biosphere reserve concept in the Ozarks. The valleys of the Buffalo River in Arkansas and of the Current and Eleven Point Rivers in Missouri were initially identified as likely to be suitable for starting the program. Certain public and private lands in these valleys would become part of the biosphere reserve, and residents of the surrounding region would take part in the program.

To learn about local attitudes toward the concepts of the Man and the Biosphere Program, 90 people from 15 Ozark counties in Arkansas and Missouri were interviewed. These people included political leaders, private citizens and landowners, managers of public lands, and operators of businesses.

The study found that Ozark residents are proud of the region, and they are improving its economy. The major environmental concerns are solid waste disposal, sewage treatment, and water quality.

Ozark residents want development that does not degrade the area's scenery and water. Most Ozark industries are based on the land—for example, timber, farming, and tourism. The region has attracted a large and growing population of retirees. Many people want more businesses that make products from local resources such as timber and byproducts of the poultry industry.

The study found almost universal acceptance of the concepts embodied in the Man and the Biosphere Program. People support the idea of agencies coordinating with each other and with the public to solve environmental and economic problems.

Attitudes toward government agencies in the Ozarks vary widely. Private citizens and civic leaders in some counties report all-around good cooperation, but many people are upset about government regulations and land condemnation, especially for federal scenic river corridors and reservoirs.

Among the representatives of state and local governments and organizations



## Feasibility Study for an Ozark Man and the Biosphere Cooperative

### APPENDIX 3

### DESCRIPTION OF PERSONAL INTERVIEWS

#### Examples of Interview Questions

The following list illustrates the kinds of questions asked. Not all questions were asked of everyone. Some questions are intended to learn about the interviewee and to gain insights into attitudes toward the MAB concept without enquiring directly.

#### Private Citizens

What is your family's history in the region?

How long have you owned the land, how did you acquire it, and why? Do you have emotional ties to the land?

What different uses has your family made of the land during your ownership?

How has land use changed, and how has the character of the land changed with use (i.e., water levels, springs, timber cover, development, etc.)?

How has the region changed in the time that you've lived here?

Which changes do you see as good, which as bad?

SEPTEMBER 1991

Item F

9-5-96

TO WHOM IT MAY CONCERN:

I, Randy Gibbins, have no recollection of an interview with anyone concerning a project called "Man And Biosphere."

If I had known of such a project, I certainly would have opposed it.

Randy Gibbins  
HC 33, Box 68  
Compton, AR 72624

Helen Wiles  
Rt. 1 Box 214  
Sidney, AR 72641  
9-6-96

Connie Burks  
HC 70 Box 221  
Jasper, AR 72641

Dear Mr Burks,  
via Telephone call 9/6/96 -  
I Do not Remember a Survey  
1994. And do not understand all  
the implications made about  
Survey.

I am totally opposed to Any  
Kind of program that Restrict  
The Farmer or land owner His  
Right to the use of His own  
Land, and then that interfere  
Property Rights. (over)

I Do Not Support the Ma  
And Biosphere Program.

Yours Truly

Helen Wiles

Rural Baptist Pastor -  
President of P Izard Co.  
Farm Bureau

P O BOX 435  
JASPER, ARKANSAS 72641

EUGENE VILLINES  
NEWTON COUNTY JUDGE

PHONE: (501) 446-5127  
FAX: (501) 446-2106

September 9, 1996

To Whom It May Concern:

My name appeared on a list that came out in September 1991 Feasibility Study on man and biosphere concepts. There was an indication that I was supposedly interviewed to the best of my ability I do not recall any such interview. I would like to also say that I oppose this concept.

Sincerely,

Eugene Villines  
Newton County Judge

## Mission Statement of the United States Man and the Biosphere Program

"The mission of the United States Man and the Biosphere Program (U.S. MAB) is to foster harmonious relationships between humans and the biosphere through an international program of policy-relevant research which integrates social, physical and biological sciences to address actual problems.

These activities — broadly interpreted — include catalytic conferences and meetings, education and training, and the establishment and use of biosphere reserves as research and monitoring sites."

Adopted by the U.S. National Committee for the Man and Biosphere Program, January 6, 1989.

Item G

Arkansas Natural Heritage Commission  
1500 Tower Building  
323 Center Street  
Little Rock, AR 72201

1993 *Chadwick*  
OZARK HIGHLANDS  
MAN AND THE BIOSPHERE  
REGIONAL CONFERENCE  
HARRISON, ARKANSAS  
Nov. 3-4



SPONSORED BY  
OZARK REGIONAL LAND TRUST  
WINROCK INTERNATIONAL



DRAFT

Item H

COOPERATIVE AGREEMENT  
(Memorandum of Understanding (FS))

FOR THE  
ESTABLISHMENT AND OPERATION OF THE  
OZARK HIGHLANDS  
MAN AND THE BIOSPHERE COOPERATIVE

THIS COOPERATIVE AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_\_, by and between Arkansas Game and Fish Commission, Arkansas Natural Heritage Commission, Missouri Department of Conservation, Missouri Department of Natural Resources (Division of Parks, Recreation and Historic Preservation), National Park Service (Buffalo National River and Ozark National Scenic Riverways), Pioneer Forest (Missouri), The Nature Conservancy (Arkansas and Missouri), Ozark Regional Land Trust, U. S. Fish and Wildlife Service, U. S. Forest Service (Mark Twain NF and Ozark/St. Francis NF), all of whom represent several land management and planning agencies with interests in the general area of the Ozark Highlands, do hereby join together for a common and specific purpose.

ARTICLE I. BACKGROUND AND OBJECTIVES

W I T N E S S E T H:

WHEREAS, the parties to this cooperative agreement, pursuant to their respective statutory authorizations, are engaged in programs and projects intended to further conservation and development of the natural, cultural, and economic resources within the Ozark Highlands region of the United States; and

WHEREAS, in 1971, the Man and the Biosphere Program was formed by the United National Educational, Scientific, and Cultural Organization for the purpose of building a harmonious relationship between man and the environment on a scientific basis; and the United States Man and the Biosphere Program cooperates with the international program for this purpose; and

WHEREAS, the International Coordinating Council of the Man and the Biosphere Program has recognized the Ozark Highlands region as one of the most suitable areas in the world for developing a model cooperative natural and cultural resource program because of its unique and globally significant natural ecosystem and its wealth of scientific expertise; and

Date: 9/11/96

To: Mr. John Rishel  
Room 1413 A LHOB  
Washington, D.C. 20515  
fax: 202 225 6128

Re: Written testimony pertaining to HR 3752 by Connie Burks  
submitted 9/9/96

Purpose: On recommendation of Carol LaGrass that the following be  
sent immediately to the attention of Mr. Rishel as an  
Item Addendum to the aforementioned written testimony.

Content: Item Addendum to Point #1 paragraph 2 (hereinafter named  
Item AA)

Description of Item AA: Biosphere Reserve Nomination Form of the  
Ozark Highlands Man and the Biosphere  
Cooperative- pages 1,2,3, and 25.

Note: Entire document is 25 pages in length which I can  
make available to Committee if necessary. Entire  
document is filled out and appears ready to sub-  
mit except for the necessary signatures on the  
last page (#25).

Corresponding Information: Mr. Oviatt, who first showed me this  
document on July 31, 1996 indicated that it was 2-3 years  
old and that there was probably a more current nomination  
form document somewhere. He also told me yesterday (9/10/96)  
that because of the cooperating agencies current withdrawal  
from support of the Programme at this time\*, that the project  
has been dropped for now. When I asked if he could assure  
me that the NPS would not pursue the designation process  
now or in the future, he said he could not promise that.  
I asked him to please notify me should that ever happen.  
He said he would consider that.

\* State Agencies in Arkansas have been notified by Governor Huckabee  
to not proceed with signature or otherwise until he has been fully  
informed. As a result, all Arkansas organizations who were pre-  
pared to submit their signatures have suddenly dropped the project.

From: Connie Burks  
HC 70 Box 321  
Jasper, Arkansas 72641  
(501-861-5646)

## BIOSPHERE RESERVE NOMINATION FORM

DRAFT

1. COUNTRY: United States of America
2. OFFICIAL NAME OF THE RESERVE: Ozark Highlands Man and the Biosphere Cooperative
3. BIOGEOGRAPHICAL REGION: Interior, unglaciated low plateaus (Ozark Plateau Province)
4. SIZE AND SPATIAL CONFIGURATION (see map)

4.1. Size of Core Area(s): 80,530 hectares

4.2. Size of Buffer Zone(s): 616,140\* hectares

4.3. Approximate Size of Transition Area(s): 507,520\*\* hectares

\*cooperator administered within the Buffalo and Current River watersheds.

\*\*privately administered within the Buffalo and Current River watersheds.

5. ADMINISTRATIVE AREAS INCLUDED IN THE PROPOSED BIOSPHERE RESERVE

If one or more existing and contiguous administrative areas (e.g., national park, nature sanctuary, experimental station) are to be included in the core area(s) and buffer zone(s) of the proposed biosphere reserve, give the name(s) of this/these administrative area(s) and the name(s) of the authority(ies) responsible for its/their management.

N/A

If the proposed biosphere reserve consists of several areas which are geographically separated and managed by different administrative authorities, give the names of these administrative areas and the names of the authorities responsible for their management. In this case (cluster biosphere reserve), a supplementary form should be completed for each administrative authority concerned. The MAB Secretariat can provide this supplementary form upon request.

Arkansas: Arkansas Natural Heritage Commission, Harold K. Grimm (Director), Little Rock; Buffalo National River (NPS), John D. Linahan (Superintendent), Harrison; Ozark National Forest, Lynn C. Neff (Forest Supervisor), Russellville.

Missouri: Mark Twain National Forest, B. Eric Morse (Forest Supervisor), Rolla; Missouri Department of Conservation, Jerry J. Presley (Director), Jefferson City; Missouri Department of Natural Resources, David A. Shorr (Director), Jefferson City; Ozark National Scenic Riverways (NPS), Arthur L. Sullivan (Superintendent), Van Buren; Pioneer Forest, Clinton E. Trammel (Manager), Salem; The Nature Conservancy, G. Rodney Miller (State Director), St. Louis.



Item AA  
p.2

DRAFT

## 6. GEOLOGICAL LOCATION

## 6.1. Overview (major geographical features in the vicinity of the proposed biosphere reserve)

The Ozark Highlands comprise the westward extension of the larger Interior Unglaciated Low Plateaus Region which extends eastward and generally south of the Ohio River to the Appalachian Uplift. Together with the Ouachita Mountains to the south, it forms the most extensive tract of elevated land between the Appalachian and Rocky Mountains. This area encompasses approximately 55,000 square miles of landscape in southern Missouri and northern Arkansas with small extensions into southeastern Kansas, northeastern Oklahoma and southern Illinois. Four major regional subdivisions are generally recognized: the St. Francis Mountains and Salem Plateau in Southern Missouri, the Springfield Plateau which extends from Missouri into Arkansas and the Boston Mountains in Northern Arkansas. The highest elevations occur across the central part of the region from the southwest in the Boston Mountains (790m) in a northeasterly direction to the St. Francis Mountains (540m). The elevation drops off on all sides of this elongated dome, more abruptly on the shorter southern and eastern slopes than on the northern and western slopes. Because the present topography is largely erosional, the greatest relief occurs along the major streams, which flow radially from the dome, where dissection has proceeded most rapidly. Mainly on the southern slopes where small tributary streams are more numerous, dissection is often so complete that no upland flats remain, and the surface features consist of narrow, deep valleys separated by sharp ridges. Local relief (150-250m) is greater in these drainages than the less prominently dissected northerly slopes where relief seldom exceeds 100 meters. The dominance of the highly soluble limestone and dolomite bedrocks have given rise to classical karst terrane features, i.e., sinkholes, caves, springs, losing streams, which are characteristic of the region.

## 6.2. Governmental Divisions (e.g., state, province or region, county, territorial division, etc.)

State: Arkansas. Counties: Baxter, Benton, Crawford, Franklin, Izard, Johnson, Newton, Pope, Randolph, Searcy, Stone, Washington.

State: Missouri. Counties: Camden, Carter, Dent, Howell, Oregon, Reynolds, Ripley, Shannon, Texas.

6.3. Nearest Major Town: Springfield, MO6.3.a. Approximate population: 140,5006.3.b. Distance from the nearest boundary of the proposed biosphere reserve: 127 kilometers6.4. Approximate population density of the region (including transient peoples, nomads, etc.): 6.5 inhabitants/km<sup>2</sup>6.5 Latitude and Longitude 37°10' N 92°30' E

DRAFT

Item AA  
p.3

## 7. TENURE

- 7.1. National Government ..... ~~PRINCIPAL~~ SECONDARY
- 7.2. State or Provincial Government ..... PRINCIPAL ~~SECONDARY~~
- 7.3. Local Government ..... PRINCIPAL SECONDARY
- 7.4. Private Conservation Organization ..... PRINCIPAL ~~SECONDARY~~
- 7.5. Private Individual, Corporation, or Group ..... PRINCIPAL ~~SECONDARY~~
- 7.6. University or Research Institution ..... PRINCIPAL SECONDARY
- 7.7. International Body ..... PRINCIPAL SECONDARY
- 7.8. Other (list) \_\_\_\_\_ PRINCIPAL SECONDARY

## 8. LEGAL PROTECTION OF CORE AREA AND BUFFER ZONE

- 8.1. National Legislation ..... ~~PRINCIPAL~~ SECONDARY
- 8.3. Local Legislation ..... PRINCIPAL ~~SECONDARY~~
- 8.4. Administrative Regulations ..... ~~PRINCIPAL~~ SECONDARY
- 8.5. Executive Decree ..... PRINCIPAL SECONDARY
- 8.6. Ownership ..... ~~PRINCIPAL~~ SECONDARY
- 8.7. Cooperative Agreements ..... PRINCIPAL ~~SECONDARY~~
- 8.8. Voluntary Designation ..... PRINCIPAL ~~SECONDARY~~
- 8.9. Other (describe) ..... PRINCIPLE SECONDARY

Item AA p.4

23. EXACT MAILING ADDRESS OF THE LOCAL ADMINISTRATION OF THE  
PROPOSED BIOSPHERE RESERVE

Name of local administration: \_\_\_\_\_

Street: \_\_\_\_\_

Town and Postal Code: \_\_\_\_\_

Country: \_\_\_\_\_

Telex and/or Telephone Number: \_\_\_\_\_

24. DECLARATION OF COMMITMENT TO THE ACTION PLAN FOR  
BIOSPHERE RESERVES

We hereby certify that the administrative authorities responsible for the planning and management of the proposed biosphere reserve acknowledge their responsibility to pursue the objectives identified in the Action Plan for Biosphere Reserves; to prepare corresponding management guidelines, as appropriate; and to participate in the international network of biosphere reserves and the MAB Information System.

25. ENDORSEMENTS

25.1. Nomination form(s) or letter of endorsement, including an acknowledgement of responsibilities, from the responsible authority for each administrative area within the proposed biosphere reserve.

25.2. Signed (on behalf of the MAB National Committee)

Full Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



### Take Back Arkansas, Inc.

2167 North Porter Road  
FAYETTEVILLE, AR 72704

FAX (501) 521-3530  
Telephone (501) 521-1933

Board of Directors  
Elam L. Denham, Chairman  
Dale Rice, Vice-Chairman  
Charles Agee, Secretary/Treasurer

August 31, 1996

By Fax 202/225-6128

Mr. John Rishel  
House Committee on Resources  
1413A Long O. B.  
Washington, D.C. 20515

Dear Mr. Rishel:

Re: HR 3752

A very few people in Arkansas have just learned about the Ozark Highlands Man and Biosphere (MAB) plan. This plan involves 48,000 square miles of the four states of Missouri, Arkansas, Oklahoma and Kansas. This is 75% of southern Missouri and northern Arkansas. Ninety-three percent of the Missouri portion is privately owned land. I would estimate at least seventy-five percent of the Arkansas portion is privately owned.

Our elected officials were not informed of this until Connie Burks (HC 70, Box 32, Jasper, AR 72634; 501/861-5646), Everett Middleton (HCR 64, Box 616, Yellville, AR 72634; 501/453-8441) and my wife, Mary and I did so. We finally got the documentation, including a copy of the Memorandum of Understanding (MOU) to Governor Mike Huckabee's office and to Congressman Tim Hutchinson five days before it was to be signed on September 1, 1996. It was bogged down in the bureaucracy for two weeks prior to that. This MOU would result in an Ozark Highlands MAB Cooperative and their mission.

We are leading an effort to inform, both elected officials, and the public as to how the MAB designation and its deceptive agenda threatens and endangers human life, liberty and property. This is a monumental task to assimilate and disseminate this info to other average citizens like us, and to our elected officials who have been left out of the process. We believe citizens should not be blind sided. We cannot protect ourselves after the fact, from this egregious form of bureaucracy. When government ceases to protect and respect the civil rights of individuals, especially the rights of property and expressly the "due process" right to be heard, civil unrest and mutual disrespect will grow.

On our Arkansas ballot in November we will have a constitutional amendment for a 1/8¢ sale tax for "conservation agencies". The money from this tax will support this Ozark Man and Biosphere. Part of the tax will go to a Green Advocacy Group (GAG) which is a private corporation- a non-governmental

### Take Back Arkansas, Inc.

A Grassroots, Non-Profit, Non-Partisan Private Property Protection Organization

Elam L. Denham  
 August 31, 1996  
 Re: HR 3752

organization (NGO). We understand this type of taxation is being sold all across the nation, in other words, we are going to pay to be sold out.

The Biodiversity Treaty which the Senate did not ratify is being developed by fiat through these "conservation agencies", city and county court ordinances, and state laws, mostly by uninformed officials. One just has to scan the U.S. MAB information on the internet and learn about the federal agencies and organizations supporting this. Obviously, the multi-millions of tax dollars spent on this MAB program would have to be phenomenal. We believe this deserves congressional action and a congressional investigation.

The warm fuzzy language promoting this amendment is the same warm fuzzy language promoting the GAG-MAB agenda, like eco-tourism, watchable wildlife, heritage areas and reserves, and on and on. People can hardly believe that such innocent sounding rhetoric would lead to the Biodiversity Treaty, with all of its tentacles. It's still a nation of innocence.

We would be most privileged to testify before Congress in support of HR 3752 sponsored by Congressman Don Young. Would you please include this letter as a part of the permanent testimony.

Thank you for this bill. We need Congress to act positively on HR 3752.

Yours truly,



Elam Denham

ELD/md

Copies: The Honorable Tim Hutchinson  
 Member of Congress  
 The Honorable Mike Huckabee  
 Governor of Arkansas  
 enc: Map- Ozark Highland MAB  
 Letter: Buffalo National River  
 Memorandum of Understanding  
 Letter: Bill Emerson, (Deceased)  
 Member of Congress  
 AR Constitutional Amendment #2

2 of 2

**Take Back Arkansas, Inc.**

A Grassroots, Non-Profit, Non-Partisan Private Property Protection Organization



# Take Back Arkansas, Inc.

2167 North Porter Road  
FAYETTEVILLE, AR 72704

FAX (501) 521-3530  
Telephone (501) 521-1933

Board of Directors:  
Elam L. Denham, Chairman  
Dale Rice, Vice-Chairman  
Charles Agee, Secretary/Treasurer

## F A X I N F O R M A T I O N

TO: MR. JOHN RISHEL, House Committee on Resources,  
1413A Long O. B., Washington, D.C. 20515

FROM: Elam Denham, Chairman Take Back Arkansas, Inc.

DATE: 9-3-96 PAGES: 14 INCLUDING COVER  
( X ) URGENT ( ) REPLY ASAP  
( x ) FOR YOUR REVIEW ( ) PLEASE COMMENT

REMARKS: Dear Mr. Rishel,

Carol LaGrasse, President of Property Rights Foundation of America suggested that we should write you concerning the upcoming hearing on HR 3742. As stated in the letter Everett Middleton and/or Connie Burks would be excellent witnesses for your hearing. Connie is a respected pastor's wife and Everett is a former educator. They are both impacted by this MAB plan and have a large file of documentation.

The MAB concept and the Biodiversity Treaty is so outrageous that people find it unbelievable, partly because the philosophy has already invaded the public thought processes having been sold through education at all levels and religion.

We do not support the MAB concept but we support this bill as it would be under the control of Congress rather than bureaucrats who are not responsive or responsible to the people and blatantly ignore the intent of Congress on many bills. We respectfully request that this entire fax be made a part of the permanent record.

I will be in the office of Take Back Arkansas, Inc. 501/521-1933 if you have any questions or we can be of any assistance.

Yours truly,

Mary Denham, Recording Secretary

COPY: THE HONORABLE MIKE HUCKABEE, GOVERNOR OF ARKANSAS  
THE HONORABLE TIM HUTCHINSON, U.S. REPRESENTATIVE

**Take Back Arkansas, Inc.**

A Grassroots, Non-Profit, Non-Partisan Private Property Protection Organization

# THE OZARK HIGHLANDS



OZARK MAN AND THE BIOSPHERE PROGRAM



## United States Department of the Interior

NATIONAL PARK SERVICE  
 Buffalo National River  
 P.O. Box 1173  
 Harrison, Arkansas 72602-1173

*Sent 7/2*

IN REPLY REFER TO:

N16 (BUFF-ONR)

July 1, 1996

Biosphere Steering Committee  
 Mark Twain National Forest

As promised we have inquired as to the tentative status of your agencies's interest in continuing the regional Man and Biosphere (MAB) effort at this time. The consensus of these phone calls appears to be in support of continuing the MAB effort.

We believe in the Man and Biosphere concept and that all the effort, time, and funding that each of you and your agencies have contributed since 1989 should now lead to a focused effort to see this idea through to completion.

The question becomes where do we go from here? We would like your response to the following:

1. A copy of the draft Cooperative Agreement has been enclosed for your final review to facilitate signature by interested partners.
2. We would ask you to provide the position of your agencies or organization regarding your interest in participating in a regional MAB Cooperative.

If current conditions do not enable your agency or organization to participate as a signatory member of the Cooperative or in nominating your sites at this time, you may wish to consider being identified as a cooperator with the Cooperative (you agree with MAB concepts, and will explore opportunities for sharing information and cooperating on particular activities).

3. We would also recommend the Steering Committee meet again this fall to reach consensus on phase II which would be expansion of the Committee and identifying a new Coordinator to replace Dave Foster who recently retired from Federal service.



Please give these items careful consideration as we seek to move forward in this effort.

We would like to have your reply to the above three items no later than September 1, 1996. Contact George Oviatt of my staff at 501-741-5443, ext. 114, if you have additional concerns or questions.

Sincerely,

John D. Linahan  
Superintendent

Enclosures

*12 agencies that will be making decision*

CC to the following:

1. Arkansas Game & Fish Commission
2. Missouri Department Conservation
3. Pioneer Forest
4. The Nature Conservancy (Missouri and Arkansas)
5. U.S. Fish & Wildlife Service
6. Arkansas Natural Heritage Commission.
7. Missouri Department of Natural Resources
8. U.S. Forest Service (Ozark and Mark Twain)
9. Ozark Land Trust
10. BNR #12?

## DRAFT

COOPERATIVE AGREEMENT  
(Memorandum of Understanding (FS))

## FOR THE

## ESTABLISHMENT AND OPERATION OF THE

OZARK HIGHLANDS  
 MAN AND THE BIOSPHERE COOPERATIVE

THIS COOPERATIVE AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_, one thousand nine hundred and \_\_\_\_, by and between Arkansas Game and Fish Commission, Arkansas Natural Heritage Commission, Missouri Department of Conservation, Missouri Department of Natural Resources (Division of Parks, Recreation and Historic Preservation), National Park Service (Buffalo National River and Ozark National Scenic Riverways), Pioneer Forest (Missouri), The Nature Conservancy (Arkansas and Missouri), Ozark Regional Land Trust, U. S. Fish and Wildlife Service, U. S. Forest Service (Mark Twain NF and Ozark/St. Francis NF), all of whom represent several land management and planning agencies with interests in the general area of the Ozark Highlands, do hereby join together for a common and specific purpose.

## ARTICLE I. BACKGROUND AND OBJECTIVES

W I T N E S S E T H:

WHEREAS, the parties to this cooperative agreement, pursuant to their respective statutory authorizations, are engaged in programs and projects intended to further conservation and development of the natural, cultural, and economic resources within the Ozark Highlands region of the United States; and

WHEREAS, in 1971, the Man and the Biosphere Program was formed by the United National Educational, Scientific, and Cultural Organization for the purpose of building a harmonious relationship between man and the environment on a scientific basis; and the United States Man and the Biosphere Program cooperates with the international program for this purpose; and

✓ WHEREAS, the International Coordinating Council of the Man and the Biosphere Program has recognized the Ozark Highlands region as one of the most suitable areas in the world for developing a model cooperative natural and cultural resource program because of its unique and globally significant natural ecosystem and its wealth of scientific expertise; and

WHEREAS, all parties to this agreement wish to join in a partnership effort: to promote the conservation and wise stewardship of the area's renewable resources; to increase the environmental awareness of the general public; to encourage environmentally compatible economic development; to support and encourage continuing research helpful to the maintenance and understanding of the region's resources; and to embark upon a process which ensures the sharing and circulation of the results of regional research efforts, and

✓ WHEREAS, the parties to this agreement are empowered by various state and federal codes and statutes to enter into this agreement, and

WHEREAS, the Economy Act of 1932, as amended, 31 U.S.C. 1535 and 1346(b) (Interagency Agreements), provides for federal agencies to enter into agreements establishing mutual policies, objectives, and cooperative relationships, and

WHEREAS, this agreement may be used to pool funds and human resources for a common purpose, and

WHEREAS, all parties to this agreement recognize this joint effort will engender the further development of additional agreements with appropriate public and private agencies.

NOW THEREFORE, in consideration of the foregoing premises and in the interest of mutual advantage for the attainment of common objectives, the parties to this agreement hereto desire to cooperate and mutually agree to:

#### ARTICLE II. STATEMENT OF WORK

- 1) Establish a Ozark Highlands and the Biosphere Cooperative. The cooperative shall be managed and directed through a council comprised of one administrator from each party to this agreement. The council shall establish program policies consistent with the cooperative's goals and objectives.
- 2) Cooperate with regional, state, local, and other federal governments, individuals, and other interested organizations to promote a land ethic that recognizes the importance of ecologically sound management of natural and cultural resources.
- 3) Identify principal environmental and developmental issues related to the objectives of the cooperative. This will be accomplished through ongoing communications, conferences, and meetings with interested groups and individuals.
- 4) Undertake an ongoing and comprehensive effort to identify long-term sustainable, and ecologically sound economic development opportunities.

## ARTICLE V. AWARD

This basic agreement does not provide for any financial obligation and is a vehicle for determining agency agreement on basic premises, goals, and objectives. Work projects or activities which involve the transfer of money, services or property will require the execution of separate agreements. Alternative agreement instruments may include challenge cost share, participating agreements, contracts, volunteer agreements and collection agreements.

## ARTICLE VI. TERMINATION

Cooperators can terminate their participation in the Ozark Highlands Man and the Biosphere Cooperative by providing written 60 days notice to all signatory parties.

## ARTICLE VII. GENERAL PROVISIONS AND APPLICABLE CIRCULARS

The General Provisions attached hereto and the applicable references to federal circulars referenced therein are made a part of this agreement.

## SIGNATURES

\_\_\_\_\_  
Director, Arkansas                      Date  
Game and Fish Commission

\_\_\_\_\_  
Director, Arkansas                      Date  
Natural Heritage Commission

\_\_\_\_\_  
Director, Missouri                      Date  
Department of Conservation

\_\_\_\_\_  
Director, Division of                      Date  
Parks, and Historic Preservation  
Missouri Department of Natural  
Resources

\_\_\_\_\_  
Field Director, Midwest                      Date  
Field Area, National Park  
Service

\_\_\_\_\_  
Supervisor, Ozark                      Date  
National Forest, U.S.  
Forest Service

*Philip E. Thompson 1/15/66*  
\_\_\_\_\_  
Manager, Pioneer Forest                      Date

\_\_\_\_\_  
Arkansas State Director                      Date  
The Nature Conservancy

\_\_\_\_\_  
Missouri State Director                      Date  
The Nature Conservancy

\_\_\_\_\_  
Executive Director,                      Date  
Ozark Land Trust

\_\_\_\_\_  
Regional Director,                      Date  
U.S. Fish and Wildlife Service

\_\_\_\_\_  
Supervisor, Mark Twain                      Date  
National Forest, U.S.  
Forest Service

- 5) Undertake supporting cooperative research and resource management initiatives which are regional in scope and disseminate resulting information from these activities.
- 6) Utilize existing resources to promote and implement existing voluntary environmental education programs with the public school systems of the region and with other interested organizations.
- 7) Augment cooperative relationships with state, local, other federal and private entities within the region to attain common objectives.
- 8) Produce and disseminate informational materials appropriate to this project.
- 9) Empower the council to establish an Ozark Highlands MAB Coordinating Committee/Office which can provide the expertise and labor to carry out the functions desired by the parties to this agreement.

## ARTICLE III. TERM OF AGREEMENT

This agreement shall be evaluated and reviewed no later than two years after its implementation at which time recommendations for improvements and modifications shall be considered by all parties. Any amendment or modification to this agreement shall be in writing agreed upon by all signatories and executed by the duly authorized representatives of the parties hereto and incorporated into this agreement by reference.

## ARTICLE IV. KEY OFFICIALS

\_\_\_\_\_, Arkansas Game and Fish Commission

\_\_\_\_\_, Arkansas Natural Heritage Commission

\_\_\_\_\_, Missouri Department of Conservation

\_\_\_\_\_, Missouri Department of Natural Resources, Division of Parks

\_\_\_\_\_, National Park Service, Buffalo National River

\_\_\_\_\_, National Park Service, Ozark National Scenic Riverways

x *Greg F. Leffing*  
*Chief Biologist* \_\_\_\_\_, Pioneer Forest

\_\_\_\_\_, The Nature Conservancy (Arkansas)

\_\_\_\_\_, The Nature Conservancy (Missouri)

\_\_\_\_\_, Ozark Regional Land Trust

\_\_\_\_\_, U. S. Fish & Wildlife Service

\_\_\_\_\_, U. S. Forest Service, Mark Twain NF

\_\_\_\_\_, U. S. Forest Service, Ozark/St. Francis NF

PROPOSED CONSTITUTIONAL AMENDMENT NUMBER 2  
(Referred by the General Assembly)

POPULAR NAME

A ONE-EIGHTH OF ONE PERCENT SALES AND USE TAX FOR SUPPORT OF GAME AND FISH, PARKS AND TOURISM, ARKANSAS HERITAGE AND KEEP ARKANSAS BEAUTIFUL

BALLOT TITLE

FOR A PROPOSED CONSTITUTIONAL AMENDMENT TO LEVY A SALES AND USE TAX OF ONE-EIGHTH OF ONE PERCENT (1/8 OF 1%) FOR SUPPORT OF THE ARKANSAS GAME AND FISH COMMISSION, THE DEPARTMENT OF PARKS AND TOURISM, THE ARKANSAS DEPARTMENT OF HERITAGE AND KEEP ARKANSAS BEAUTIFUL, INC.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTIETH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

TEXT

That the following is hereby proposed as an amendment to the Constitution of the state of Arkansas, and upon being submitted to the election of the state for approval or rejection at the next general election for Representatives and Senators, if a majority of the election voting thereon at such election, adopt such amendment, the same shall become a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. Statement of purpose. The people of the State of Arkansas find that fish, wildlife, parks, tourism and natural heritage constitute a major economic and natural resource of the state and they desire to provide additional funds to the Arkansas Game and Fish Commission, the Department of Parks and Tourism, the Department of Heritage and Keep Arkansas Beautiful, Inc.

SECTION 2. (a) There is hereby levied an additional excise tax of one-eighth of one percent (1/8 of 1%) upon all taxable sales of property and services subject to the tax levied by the Arkansas Gross Receipts Act (Arkansas Code §26-52-101 et seq.), and such tax shall be collected, reported and paid in the same manner and at the same time as is prescribed by law for the collection, reporting and payment of all other Arkansas gross receipts taxes.

(b) There is hereby levied an additional excise tax of one-eighth of one percent (1/8 of 1%) upon all tangible personal property subject to the tax levied by the Arkansas Compensating Tax Act (Arkansas Code §26-53-101 et seq.), and such tax shall be collected, reported, and paid in the same manner and at the same time as is prescribed by law for the collection, reporting and payment of Arkansas compensating taxes.

SECTION 3. Use of proceeds. (a) Notwithstanding any provision of Amendment 35 or any other provision of the Arkansas Constitution to the contrary, forty-five percent (45%) of all monies collected from the tax levied herein shall be deposited in the State Treasury as special revenues and credited to the Game Protection Fund to be used exclusively by the Arkansas Game and Fish Commission, as appropriated by the General Assembly.

(b) Forty-five percent (45%) of all monies collected from the tax levied herein shall be deposited in the State Treasury as special revenues and credited to the Department of Parks and Tourism Fund Account to be used by the Department of Parks and Tourism for state park purposes, as appropriated by the General Assembly.

(c) Nine percent (9%) of all monies collected from the tax levied herein shall be deposited in the State Treasury as special revenues and credited to the Arkansas Department of Heritage Fund Account to be used exclusively by the Department of Heritage as appropriated by the General Assembly.

(d) One percent (1%) of all monies collected from the tax levied herein shall be deposited in the State Treasury as special revenues and credited to the Keep Arkansas Beautiful Fund Account which is hereby created on the books of the State Treasurer, State Auditor and the Chief Fiscal Officer of the State, to be used exclusively by Keep Arkansas Beautiful, Inc., as appropriated by the General Assembly.

SECTION 4. (a) The General Assembly shall provide for the proper administration and enforcement of this amendment by law.

(b) Unless the General Assembly provides another procedure by law, the provisions of the Arkansas Tax Procedure Act, Sections 26-18-101 et seq., shall so far as practicable be applicable to the tax levied by this amendment and the reporting, remitting and enforcement of the tax.

SECTION 5. Collection of the tax imposed by this amendment shall apply beginning on July 1, 1997



BILL EMERSON  
MEMBER OF CONGRESS  
7TH DISTRICT, MISSOURI

HOUSE COMMITTEE ON  
AGRICULTURE

HOUSE COMMITTEE ON  
PUBLIC WORKS AND TRANSPORTATION

Congress of the United States  
House of Representatives  
Washington, DC 20515-2506

OFFICES:  
SUITE 2248  
RAYBURN BUILDING  
WASHINGTON, DC 20515-1528  
202/225-4464

THE FEDERAL BUILDING  
325 BROADWAY  
CAPE GIRARDEAU, MO 63701  
314/325-0101

612 PINE  
ROLLA, MO 65401  
314/366-2455

February 28, 1996

Mr. Jerome Smith  
Rt. 2 Box 346  
Norwood, MO 65717

Dear Mr. Smith:

Thank you for contacting me recently. I appreciate it when the folks back home take the time to let me know what issues are of importance to them.

After contacting numerous private and governmental organizations I was finally able to locate some information on the United Nation's Biosphere Reserve Program, which I believe you were referring to in your correspondence. Even though this program has been around for 25 years it has kept quite a low profile and very few people seem to be aware of it, including myself. However, the program has recently jumped into the spotlight because of the UN's intentions to implement it during the next decade with support from United States Man and Biosphere program's member agencies, private organizations, and an expanding community of Biosphere Reserve stakeholders at the local level.

Currently there are 47 Biosphere Reserves across the United States that range from 1,500 acres in size to 8,259,999 acres. A typical Biosphere Reserve encompasses three types of areas. 1) one or more securely 'protected area,' for conservation and monitoring of minimally disturbed ecosystems; 2) 'Managed Use Areas,' usually surrounding or adjoining the protected areas, where experimental research, educational activities, and public recreation occur according to ecological principles; and 3) 'Zones of Cooperation,' which are open-ended areas of cooperation where managing agencies, local governmental agencies, scientists, economic interests, nongovernmental organizations, cultural groups, local citizens, and other biosphere reserve stakeholders educate one another in the process of linking conservation, economic development, and cultural values. Some of the better known Biosphere Reserves include Denali, Everglades, and the Virgin Islands.

I continue to have concerns about the implications that these so-called biospheres could have on private property rights, and I am against control of our country's crown jewels by international agencies. Please be assured that I will continue to monitor this subject area closely. Again thanks for being in touch. Remember do not hesitate to contact me in the future if I can be of assistance to you.

Sincerely,

*Bill Emerson*  
BILL EMERSON  
Member of Congress

*Deceased*

BE/jck



STATE OF ARKANSAS  
OFFICE OF THE GOVERNOR

State Capitol  
Little Rock 72201

Mike Huckabee  
Governor

August 13, 1996

Mr. Rufus Williams  
Citizen

Dear Mr. Williams:

In regards to your request for information on the 1/8 Cent Sales Tax and the formation of the "Keep Arkansas Beautiful Corporation," I have gathered the following information. Parks and Tourism has a small division named the "Keep Arkansas Beautiful Commission." The "Commission" is funded through normal channels as you can see on the attached report from the Department of Finance and Administration (DF&A). There is no public funding by the Governor's Office for the "Keep Arkansas Beautiful Corporation."

If you have any questions or if I can be of further assistance, please contact me at 682-5707 or Tim Croft at 682-3635 or Parks and Tourism at 682-3507.

Sincerely,

A handwritten signature in cursive script, reading "Eric P. Munson".

Eric P. Munson  
Liaison for Parks and Tourism

EMP:tdc

C:\OFFICE\WPWIN\WPDOS\WILLIAMS.LTR

## The High Cost of Biodiversity

A controversial plan to protect North American biodiversity calls for nothing less than resettling the entire continent. That may be too much to ask of the people who already live there.

To all appearances the gathering at Arizona State University in Tempe, Arizona, was an ordinary scientific conference—a mix of Oxford cloth and Birkenstocks, with a preponderance of male facial hair. But ordinary is the last word to describe what was presented at the seventh annual meeting of the Society for Conservation Biology on 11 June: the Wildlands Project, the most ambitious proposal for land management since the Louisiana Purchase of 1803. Designed to protect biodiversity in North America, the project calls for a network of wilderness reserves, human buffer zones, and wildlife corridors stretching across huge tracts of land—hundreds of millions of acres, as much as half of the continent.

The sweep of the idea elicited gasps from the audience. On the Oregon coast, for instance—a shoreline dotted by small towns and inundated by millions of summer tourists—the Wildlands approach calls for 23.4% of the land to be returned to wilderness, and another 26.2% to be severely restricted in terms of human use. Most roads would be closed; some would be ripped out of the landscape. The plan does not specify what would happen to the nearby inhabitants. Similar alterations are called for in Vermont, Florida, the mid-Atlantic region, and the rest of the country.

In fact, the long-term goal of the Wildlands Project is nothing less than a transformation of America from a place where 4.7% of the land is wilderness to an archipelago of human-inhabited islands surrounded by natural areas. It is, said ecologist Reed F. Noss, one of the plan's architects and the editor of the journal *Conservation Biology*, "a vision of what this continent might look like in 200 years if we can reduce the scale of human activities."

The whole notion may seem wildly impractical—the musings, perhaps, of a handful of radical activists. Yet the principles behind the Wildlands Project have garnered endorsements from such scientific luminaries as Edward O. Wilson of Harvard, Paul Ehrlich of Stanford (who describes himself as an "enthusiastic supporter"), and Michael Soule of the University of California, Santa Cruz, who is one of the project's founders. In their view this approach is the logical culmination of ideas about reserve design that have already influenced land-use plans from the Pacific Northwest, where there

ideas are being used in the design of a web of spotted owl reserves, to Florida, where parts of an early regional Wildlands Project have found their way into the state's land acquisition proposals. "In some ways the Wildlands Project seems nuts," says one prominent ecologist, who asked for anonymity because he hadn't had time to consider the proposal carefully. "But then you think about it, and it is more or less where the science is pointing to."

The science is pointing in this direction largely because of a growing conviction among conservation biologists and other scientists that native species, especially big carnivores such as wolves, grizzly bears, and mountain lions, need enormous amounts of space to survive. Giving animals that space can be viewed as the logical extension of laws such as the Endangered Species Act, which mandates that biodiversity must be saved no matter what the cost. But critics of the project say that if the science points to costs that are so enormous, plants and animals will become part of an "us-versus-them" battle in which they don't stand much of a chance.

"I can tell you, from having watched this issue for some time, the people who would be impacted by such reserves are absolutely terrified by them," says Dave Redmond, press secretary to Representative Bob Smith, an Oregon Republican who has introduced legislation to scale back the Endangered Species Act. "Shutting down broad swaths of the United States—politically, that is just undoable. If something like the Wildlands Project is what it will take to preserve biodiversity, Redmond says, then some biodiversity will have to go. "That," he says, "is what we're facing."

**Linking the fragments**  
The project began in 1980 as a gleam in the eyes of Dave Foreman, a founder of Earth First!, the radical environmental group that became notorious for physically attacking projects its members deemed environmentally undesirable. "My feelings have



Off limits. Core refuges, buffer zones, and wildlife corridors will dominate the Oregon coast in a Wildlands proposal.

evolved," Foreman says, noting that he no longer participates in such guerrilla actions, "but my primary goal has always been the same—big wilderness areas with large predators in them." In November of 1991, Foreman met in San Francisco with a dozen other activists, including Noss. Out of that meeting grew the Wildlands Project, an attempt to coordinate and encourage regional conservation plans.

"We wanted to make conservation proactive, rather than reactive," says project director David Johns, a political scientist at Portland State University. "We're always in the business of saying no to people—no you can't develop, no you can't log—which makes it seem as if we have no positive vision. Well, this is that positive vision. Now we can say, here on the basis of sound, peer-reviewed science is what we think is necessary to keep ecological processes going or prevent a mass extinction event." (In fact, the Wildlands plan has not yet been peer reviewed.)

Conservation biologists describe much of the human impact on biodiversity in terms of habitat fragmentation—the subdivision of large, contiguous habitats into smaller tracts. Fragmentation isolates the tracts from one another, increases the ratio of edge to interior for each tract, and reduces the total area of habitat. The effect is to transform the pieces into islands that individually carry fewer members of each native species and experience more invasions by exotic species.

In the past, the chief counterforce to the loss of habitat has been the creation of nature reserves: parks, wildlife refuges, wilderness areas, and so on. But most parks and wilderness areas were set aside because they were pretty, and because they had little of value to mining, timber, and cattle interests; biological factors. Soule points out, were generally not considered. Even wildlife refuges were created with the goal of protecting a particular type of species, such as the ducks beloved by hunters, rather than the ducks beloved by hunters, and so on. But most parks and wilderness areas were set aside because they were pretty, and because they had little of value to mining, timber, and cattle interests; biological factors. Soule points out, were generally not considered. Even wildlife refuges were created with the goal of protecting a particular type of species, such as the ducks beloved by hunters, rather than the ducks beloved by hunters, and so on.

The Wildlands Project aims to rectify that. The proposal's heart is the "regional wilderness recovery network"—a model, developed by Noss, for reversing habitat fragmentation in North America. It consists of three elements: core reserves, buffer or multiple-use zones, and connecting corridors. Core reserves, consisting of a quarter or more of the area in any given bio-region, would be off-limits to much human activity. They would cover a representative sample of all native ecosystems, and be large enough to maintain viable populations of all native species. Girdling them would be buffers, insulat-

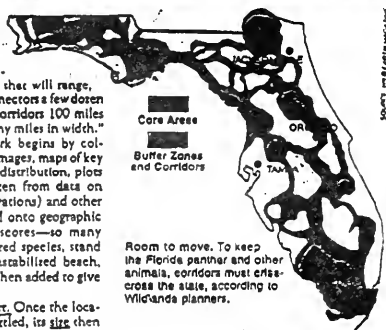
ing reserves and providing supplemental habitat. To prevent isolation, each reserve would be linked to its neighbors by corridors of native vegetation that will range, Noss says, "from short connectors a few dozen meters wide to regional corridors 100 miles or more in length and many miles in width."

Designing this network begins by collecting data from satellite images, maps of key plant and animal species distribution, plots of wildlife routes (as taken from data on road kill and other observations) and other sources. These are plotted onto geographic areas that are awarded scores—so many points for every endangered species, stand of old-growth timber, unstabilized beach, and so on. The scores are then added to give areas ecological priority.

But this is only the start. Once the location of a core reserve is settled, its size then must be determined. This is based on the home ranges of large mammals within them, and how many of those animals are needed to maintain a viable population. Through radio telemetry, biologists have estimated the home range of many of these species. The home ranges are enormous. For example, the Fish and Wildlife Service's draft recovery plan for the grizzly suggests that each animal requires 76 square kilometers of roadless land. Typically, Soule says, such mammals need populations of several thousand to survive inbreeding, disease, and demographic stochasticity (the chance that, say, the offspring of a small group are mostly one sex). Considering these numbers, Gary Belovsky of the University of Michigan argues, leads to the inescapable conclusion that maintaining viable populations of animals with big home ranges will require setting aside regions of up to a million square kilometers—areas that is about the size of California, Nevada, and Oregon combined, and many times the size of even the largest national parks.

These numbers do come with some questions. Mark Shaffer, vice president for resource planning at the Wilderness Society, pioneered this approach for determining population viability—known as population viability analysis (PVA)—in 1981. "Unfortunately," he says, "a lot of [PVAs] aren't very good at all. The life characteristics of fewer than a dozen species are known well enough to be used in these models." Furthermore, he notes, there's a real lack of empirical testing. "I don't think anyone has looked at PVAs, seen the kind of data they require, and then gathered it—still less directly tested one."

It's true that PVAs have not been empirically verified, says Park Service ecologist Craig L. Shaffer, author of *Nature Reserves: Island Theory and Conservation Practice*. But in a sense, he continues, this is a minor quibble. Nobody believes that minimum viable pop-



Room to move. To keep the Florida panther and other animals, corridors must cross the state, according to Wildlands planners.

ulations will be small, or that existing reserves can contain them. Whatever the boundaries finally drawn, preserving big mammals, especially carnivores, will require Wildlands-like, multimillion-acre reserves.

#### Living on the edge

At any rate, no matter what the size of the core areas, these reserves alone won't be enough. All reserves have edges and edges are anathema to conservation biologists. At the western edge of Yellowstone park, for instance, the forest ends in a sharp line caused by clearcutting. Conservation biologists argue that such edges have negative effects on species inside the forest. The brown-headed cowbird, for example, forages in open spaces but often crosses the forest edge to lay its eggs in other birds' nests. The cowbird chicks, hatching quickly, push their noncowbird nestmates over the side. According to biologists, increased habitat fragmentation has aided the spread of this nest parasite. In recent years cowbirds have effectively eliminated three forest species: the black-capped vireo, the least Bell's vireo, and Kirtland's warbler, the last now hanging on only because of a program to trap cowbirds.

Many types of human change cause edges, but conservation biologists particularly vilify roads, which act as funnels for exotic plants, expose animals to the hazards of traffic, and permit the ingress of poachers. "Edges let Bubba in to shoot endangered species," says one ecologist. "Everything within one six-pack of the point he parks is in trouble." Because one six-pack permits Bubba to travel several hundred meters, he argues, small reserves provide no haven from edge effects.

The Wildlands Project solution, buffer zones, visualizes what are in essence transition areas between pure nature and the human-dominated landscape. They would be like "the layers of an onion," as Foreman

puts it, with different types of human activity allowed in each: close to the core, benign practices such as hiking, nature study, and maintenance of a few roads; farther away, less benign practices, such as low-density housing or selective timber cutting. The buffers would filter out human activity that threatens core preserves.

No one has ever tested buffer zones. Strong land-use laws can govern the flow of human activity toward the core reserves. But there is no equivalent natural law that will prevent the core inhabitants—wolves, mountain lions, and grizzly bears among them—from finding their way out among the humans. "I don't think parents in this country will be thrilled if they had to pack a pistol when they watched their children in the back yard," says Lynn Maguire of the Duke University School of the Environment. "People do that in Alaska, and it's damned inconvenient." Some kind of buffers will be needed, she agrees, but nobody knows how to design them.

#### Controversial corridors

Corridors represent even more of an unknown than do buffers, leading some biologists to question their value. Like roadways between cities, corridors are intended to provide nonhumans with a transportation network. If a species goes extinct in one area, corridors may enable members from nearby patches to recolonize the empty place. Linking small populations, they could facilitate the genetic mixing that prevents inbreeding.

All of this depends, of course, on whether animals in nature will use corridors. And this is where even supporters of the concept admit there is a paucity of evidence. At a recent conference devoted to corridors, only five of 26 papers presented empirical data on their use, three of which showed that animals rarely traverse them. Nevertheless, relatively little use may be enough. In a computer simulation of a cougar population in the Santa Ana range, Paul Beier, a forester at Northern Arizona University, found that the immigration of just one or two individuals every decade strongly reduced the chance of extinction. And he presented evidence at the Society for Conservation Biology meeting in Tempe that juvenile cougars were in fact moving through corridors that connected Santa Ana range to other habitats.

Critics point out that corridors have a downside: their potential to serve as conduits for fire, disease, or introduced species. And because they are inevitably thin, says ecologist Daniel Simberloff of the University of Florida, corridors have a high ratio of edge to interior, making them relatively inimical to the species they are supposed to protect.

What is undisputed is the economic cost of corridors. Core reserves and buffer zones will be costly, of course, but they usually center on patches of undisturbed land. Connecting two such areas would necessitate crossing the land between, which is usually

Great Plains have been spoken of as land that could be incorporated into reserves. "The land is not critically needed and the population density is low," he says. "Here you're speaking of the possibility of setting aside really significant areas of natural environment that wouldn't cause major dislocation."

#### Drawing the lines

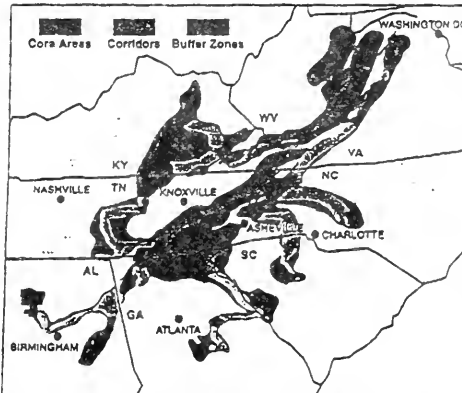
Planners are listening to these arguments. Efforts to protect the Florida panther, for instance, already target land throughout the peninsula; the National Park Service is attempting to embed Yellowstone park as the center of a 20,000-square kilometer region called the Greater Yellowstone Ecosystem; the Fish and Wildlife Service's recovery plan for the grizzly bear envisions a network of big reserves across Montana and Idaho. In some sense, the Wildlands Project is simply the first attempt to link such local efforts into a national program.

To Soule, the scientific uncertainties should not impede action. "When you look at North America," he says, "and see the loss of roadless areas and the increasing anthropomorphization of the landscape, you have to ask: Is this what we want? A collection of what amounts to outdoor zoos? Or do we want something more extensive?"

What Soule wants is indeed more extensive, so extensive that it includes a moral and spiritual dimension in addition to a geo-

graphic one. Only much larger areas, he says, can preserve what he calls "wildness." Along with the conservation of biodiversity, restoring wildness is a major goal of the Wildlands Project. Wildness is difficult to define. Soule readily concedes. Still, he says, two of its constituents are "bigness" and "fierceness." Bigness, in his view, "implies space, and space implies entire mountain ranges and entire aquatic ecosystems." Fierceness, by contrast, "implies wild animals, like wolves, moose, and wolverines." Because fierceness is involved, Soule explains, wild areas are more than places where human beings have little impact. Wildness is "a state of nature where danger is involved because of the amount of space and the presence of large animals. Being there involves an increased probability of dying or being hurt."

Not everyone at the Society for Conservation Biology meeting endorsed these ideas.



Range of protection. In the mid-Atlantic region, the Wildlands Project proposes a vast reserve system encompassing the southern Appalachians.

developed—and therefore even more costly than the equivalent amount of reserve or buffer. If limited resources are available for conservation, Simberloff asks, are corridors the best use for those resources?

Yet even scientists like Shaffer, who has doubts about some of the numbers that Wildlands is based on, contend that the whole package—core reserves, buffer zones, and corridors—is needed for complete protection. "Any particular line of analysis is not conclusive," Shaffer says, "but for every line of analysis the weather vane is pointing in the same direction. The weather vanes are pointing in the direction of large, connected, multiple populations—all of which point toward needing a network in the landscape."

Some scientists even argue that such a network may not be as disruptive as it sounds. Wilson notes, for instance, that much of upper Maine and significant portions of the

"Frankly," dnilly observed Deborah Jensen, director of conservation science for the Nature Conservancy, "this whole business about wildness being fierce is a male thing."

It is important, she disagrees with the decision to begin with current wild-  
er areas, which are often species-poor, rather than focussing on areas of maximum biodiversity and trying to preserve those first. The Wildlands Project, she points out, quotes saving biodiversity with creating wilderness. "This [project] is talking about removing people from their homes," she says,

when what is needed are better ways for people to live compatibly with the biodiversity around them.

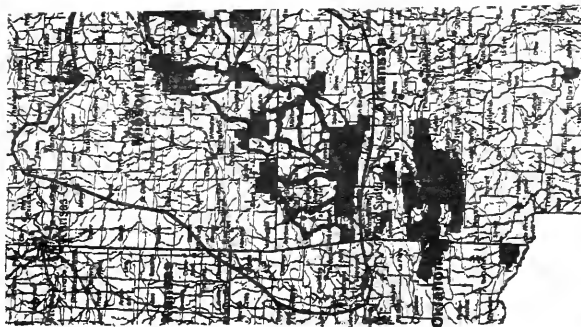
But according to the Wildlands Project, that compatibility may simply not exist. If so, its absence will force Americans into some difficult choices. "Biologically, I agree with the Wildlands Project completely," said Fred W. Allendorf, a population geneticist at the University of Montana, who is not affiliated with the plan. "If we want to save animals like grizzly bears, we really do have to put aside the large chunks of land they're talking

about. And in not doing so, as we are now, we're making the de facto choice to let them go extinct, perhaps pretty quickly. I don't know about the project's political feasibility, but at least it will help force people to make a conscious choice about what we are going to let survive."

—Charles C. Mann and Mark L. Plummer

*Mann, a frequent contributor to Science, and Plummer, a senior fellow at the Discovery Institute, are completing a book on biodiversity in North America.*

# The Proposed Ozark Highland Bill Illustrating Federal Lands as Protected and those Counties Most Likely to be Managed Use Areas



Legend:  
 Federal Protected Areas  
 Proposed Biopreserve  
 Counties Likely to be Managed Use Areas  
 Interconnecting Corridors

Based on the Ozark Biopreserve Proposal, the 1984 US Map and the Biopreserve S and the United Nations Global Biodiversity Assessment (Species 13.4)

boyce Davis explains his withdrawal from  
 seat in U.S. House of Representatives.

## State beginning to balk at Ozark

Stephen Steed  
 News Little Rock Bureau

**LITTLE ROCK** — A proposal to make the Ozarks part of a special wildlife reserve might be a bad idea, state officials are saying. The plan, drawn amid accusations that private property rights would be violated and that the area eventually could be controlled by the United Nations, has been met with skepticism and national officials scoff at the idea.

State and national officials scoff at the idea, saying it is spreading rumors and that the area eventually could be controlled by the United Nations. "We've tried, but it's hard to convince people that there's no global conspiracy out there among a heavy of state and federal officials to turn over their powers to the U.N. or any other body," said John April, a

interest in the project and sign a cooperative agreement by Sept. 1. Gov. Mike Huckabee, however, has asked those agencies last week not to sign anything obligating the state.

The letters seeking to gauge the agencies' interest were sent by John Linahan, superintendent of the Buffalo National River. "It wasn't seeking anyone's commitment," April said.

But, of the nine letters mailed, only four responses had been received by the deadline, April said.

Two private groups, both in Missouri, were still interested in the project. Two others — the Arkansas and Missouri chapters of the privately operated Nature Conservancy — said they were no longer interested.

## Joplin police

Thomas  
 The Mo

After finding similarities between the bodies of 17-year-old Carla Wells and a body in Joplin, police are considering the possibility that the bodies are related. The investigation did not go out to the public, but it was reported to be a

## Judge holds Susan McDougal in contempt for not testifying

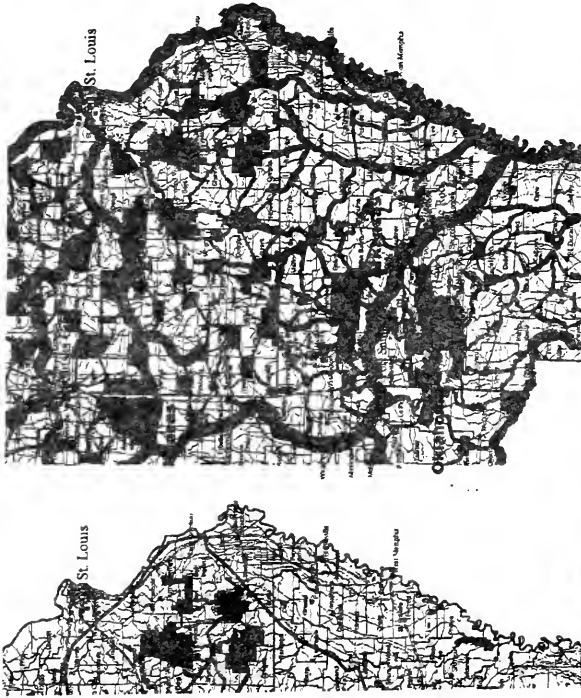
James Jefferson  
 The Associated Press

**LITTLE ROCK** — Susan McDougal has until Monday to testify or go to jail for failing to answer prosecutors' questions that took her to court in Little Rock.

She and her lawyer had been ordered to answer charges that she had violated the judge's order to testify.

**Identified Biosphere Reserve  
Selected or "Core" Areas  
Likely to be "Buffer Zones" or  
Areas**

**The Plan Mandated by the Convention on  
Biological Diversity which the Man and the  
Biosphere Program is designed to emulate**



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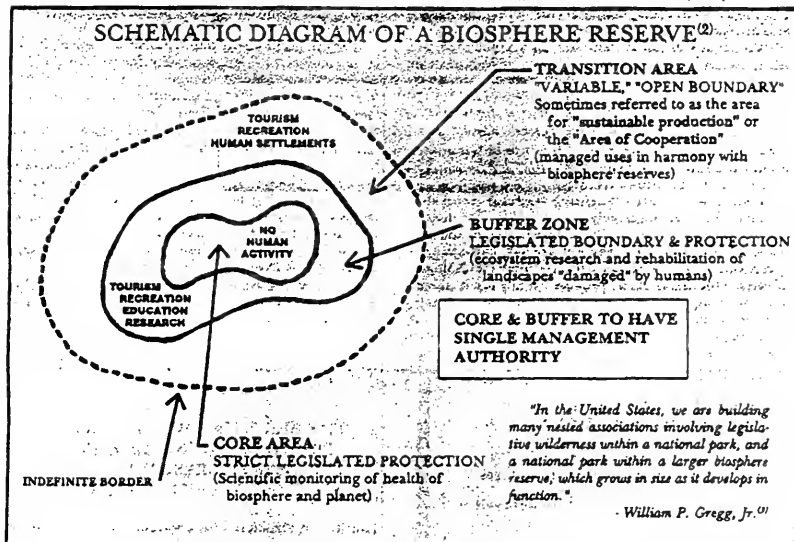
## STRUCTURE OF BIOSPHERE RESERVES

INSIDE, BEYOND OR ENTIRELY SEPARATE FROM THE NATIONAL PARK SYSTEM

"A GLOBAL NETWORK OF PROTECTED AREAS

TO CONSERVE REPRESENTATIVE EXAMPLES OF THE WORLD'S ECOSYSTEMS"<sup>(1)</sup>

### SCHEMATIC DIAGRAM OF A BIOSPHERE RESERVE<sup>(2)</sup>



#### RELATIONSHIP TO NATIONAL PARKS:

"A national park normally corresponds to a core area together with a buffer zone." - UNESCO<sup>(3)</sup>

#### RELATIONSHIP TO OTHER PARK SERVICE DESIGNATIONS:

"Wilderness Areas are frequently designated as core areas of Biosphere Reserves, or are included within larger areas delineated as core areas. Biosphere Reserves may also include Research Natural Areas, Experimental Research Areas, World Heritage Sites, National Natural Landmarks, Wild and Scenic Rivers, and National Trails." - National Park Service<sup>(4)</sup>

<sup>(1)</sup> William P. Gregg, Jr. and Betsy Ann McGean, "Biosphere Reserves" *ORION Nature Quarterly*, Summer 1985, p51

<sup>(2)</sup> "A Practical Guide to MAB," UNESCO, June 1987, p24 and "The Man and the Biosphere Program - questions and answers," Southern Appalachian Man and Biosphere Cooperative, p2

<sup>(3)</sup> William P. Gregg, Jr. "on Wilderness, National Parks and Biosphere Reserves," *Proceedings of the 4th Annual Symposium on Biosphere Reserves* (1987) p57.

<sup>(4)</sup> *Ibid*, p24

<sup>(5)</sup> "Natural Resources Management," Guidelines, Chapter 4, p22, NPS - 77

boyce wants explains his withdrawal Wednesday from the race for a seat in U.S. House of Representatives.

# State beginning to balk at Ozark Highlands 'biosphere' project

**Stephen Steed**  
News-Lick Rock Bureau

**LITTLE ROCK** — A proposal to make the Ozarks part of a special wildlife reserve might be withdrawn amid accusations that private property rights would be violated and that the area eventually could be controlled by the United Nations.

State and national officials scoff at such claims, which are spreading nationwide, but concede the claims have had their effect.

"We've tried, but it's hard to convince people that there's no global conspiracy out there among a levy of state and federal officials to turn over their powers to the U.N. or any other body," said John Apel, a

resource manager for the Buffalo National River.

About 3 million acres of private and public land in northern Arkansas and southern Missouri would be part of the "Man and Biosphere Reserve" research and educational program, an idea originally conceived on a global scale by a branch of the United Nations.

The Ozark Highlands project was first broached in 1983, but received little attention until recently amid a flurry of claims and concerns at some of the 47 existing "Man and Biosphere" reserves in the nation.

A dozen state agencies and non-profit groups in Missouri and Arkansas that have worked on the project were asked to reiterate their

interest in the project and sign a cooperative agreement by Sept. 1. Gov. Mike Huckabee, however, asked those agencies last week not to sign anything obligating the state.

The letters sent to gauge the agencies' interest were sent by John Linahan, superintendent of the Buffalo National River. "It wasn't seeking anyone's commitment," Apel said.

But, of the nine letters mailed, only four responses had been received by the deadline, Apel said.

Two private groups both in Missouri and Arkansas are still interested in the project. Two others — the Arkansas and Missouri chapters of the privately operated Nature Conservancy — said they were no longer interested.

"We expect negative responses from several others; and, without their participation, there's no 'Man and Biosphere' program," Apel said.

"The Game and Fish Commission is in a listening and watching mode," said Joe Mosby, a commission spokesman. "We need a lot more information before we can do anything, but we're not for and not against anything."

The only other Arkansas agency involved in the plan, the state Department of Arkansas Heritage, has taken a similar stance.

The Nature Conservancy, which purchases wetland and other environmentally sensitive habitat, has withdrawn its interest in the project, said Nancy Delamar, executive

director of the group's Arkansas programs. "We just didn't think it fit in with the larger, more independent goals of our group."

Delamar said the program was a good one and called it "unfortunate" but it had been tainted by rumor and fear.

"It's simply a community-based effort about all making better decisions about land, land use and development and developing good policies that help the land and the people," she said.

Mary Donham, a volunteer with the Fayetteville-based property rights group The Rock, Arkansas, said, "This is an issue of life and liberty not just property. I'm not talking about concepts. I'm talking about the truth."

The "Man and the Biosphere" programs were created in 1971 by the United Nations' Educational, Scientific, and Cultural Organization to develop policies making land more sustainable.

UNESCO has established about 300 biosphere programs worldwide. Although the United States is no longer active in UNESCO, the program's primary duties are repeated in a "biodiversity treaty" signed recently by Congress.

The U.S. biosphere programs such as one that includes the Great Smoky Mountains National Park in eastern Tennessee, are administered by the National Park Service, the Department of the Interior and the U.S. State Department.

## Judge holds Susan McDougal in contempt for not testifying

**James Jefferson**  
The Associated Press

**LITTLE ROCK** — Susan McDougal has said she will not answer questions that look like a grand jury subpoena, even if a federal judge orders her to.

A federal judge in Little Rock said McDougal refused to answer questions that look like a grand jury subpoena, even if a federal judge orders her to.

## Joplin police may call FBI into murder investigation

**Thomas Sisson**  
The Joplin News

Three bodies were found in a wooded area near Joplin, Mo., last night. Joplin police are investigating the deaths.

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## Take Back Arkansas, Inc.

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ATTENTION: NOLAN WOHL

TO: US REP. TIM HUTCHINSON

FROM: Mary Denham

DATE: 9-5-96

PAGES: 13 INCLUDING COVER

( X ) URGENT

( ) REPLY ASAP

( x ) FOR YOUR REVIEW

( ) PLEASE COMMENT

REMARKS: Dear Mr. Nolan,  
I do now have permission from Carol LaGrasse, President of Property Rights Foundation of America to request that this page and the following 12 pages be placed in the permanent records of the House Resource Committee hearings of September 12, 1996 on HR 3752 sponsored by Congressman Don Young. Please include these 13 pages as a part of this record.

These letters are the result of the people of the Catskill becoming informed and their widespread opposition and anger with Biosphere Reserve Application, which was made by a non-governmental organization (NGO). You will note on pages 2 and 3 of the application the open references to "core areas", "buffer zones", and "transition areas". I understand the NGO's, like the Nature Conservancy, Ozark Regional Land Trusts, Steward of the Buffalo and possible The Natural State Committee of Arkansas and Keep Arkansas Beautiful, Inc., get grants from tax dollars, buy up the land and sell it to the government, at large profits, to create these reserves and heritage areas. They are big money real estate dealers with tax dollars and Congress has made it legal. This could and should be stopped. This is unConstitutional and certainly unAmerican.

State Senator Charles D. Cook, whose entire district was covered by the Catskill Man and Biosphere, initiated the first letter. This was also a major part of U. S. Congressman Gerald B. Solomon's district, as the Ozark Highlands Man and Biosphere (OHMAB) covers a large portion of the 3rd District of Arkansas. Unfortunately, we are not as fortunate as the people in the Catskill's were by having US Senator D'Amato to act in their defense, because I understand both Arkansas US Senators Bumpers and Pryor are for this OHMAB.

The U.S. MAN and BIOSPHERE program emanating from the US Department of the Interior and the US Department of State parallels the UNESCO Biodiversity Treaty. I personally will not be satisfied until we have a letter from the US Department of State, stating that the Ozark Highlands will NOT receive a nomination as a OHMAB.

Yours truly,

*Mary Denham*

Mary Denham

Take Back Arkansas, Inc.

A Grassroots, Non-Profit, Non-Partisan Private Property Protection Organization



## THE CATSKILL CENTER

for Conservation and Development  
and The Erpf Cultural Institute

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M. Thomas Hatley

Executive Director

December 16, 1994

Dear Bibbes

Chairman

US National Committee for Man and the Biosphere Program

USMAB Secretariat

OES/EGC/MAB

US Department of State

Washington, D.C. 20522-3706

Dear Mr. Bibbes:

I am pleased to enclose under this cover a nomination form for the proposed Catskill Region Biosphere Reserve. As you may know, the Catskill Region was formally proposed for this status in 1986 by the MAB Scientific Committee.

The Catskills harbor significant biological, water and community resources. The Catskill Park, for instance, is a major protected area on the Appalachian Plateau. The Catskill/Delaware watershed provides high quality drinking water for 90% of the New York metro area as well as many local towns, and constitutes the largest surface water supply in the country. The Catskills--from Thomas Cole's mountain paintings to John Burroughs' essays-- have been a critical seed ground for American environmentalism, and birthplace of American ideas of wilderness and ecotourism. Catskill biodiversity is rich and the region contains large areas of old growth forests and other key habitats, many of which remain unrecognized and uninventoried.

The Catskill Region Biosphere Reserve proposal anticipates building our program from the ground up, in parallel with the political tradition of independence and home rule that continues to distinguish the region. Our challenge is to harness local pride and recognition toward the protection and sustainable development of resources of importance to the region and the nation.

An informal organizing committee comprised of diverse regional stakeholders has been meeting over the past several months to develop the application, a process which has already proven valuable. With the application complete, the group is now cooperatively formalizing its structure and drafting a Mission Statement and a Memorandum of Understanding to be signed by all members. In addition, the committee is planning initiation of the Biosphere

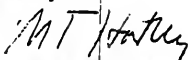
Reserve goals beginning with a public conference to be held in the Spring of 1995.

The Catskills have been fortunate to already be the beneficiary of MAB support through your grant to Krys Stuve. Her work is focused on the politics of water surrounding the City of New York's Catskill/Delaware water supply. The Catskills, in the relationship between a rural mountain region and a resource dependent metropolis, provide a unique American test of sustainable development solutions that may find applications in other hill and mountain temperate regions worldwide.

The sponsors of the nomination anticipate a period of gradual start-up building on initial cooperative efforts among agencies, local communities, education and research institutions and non-governmental organizations. A primary focus would be on an already successful town-based model of participation. In the initial period, the project would be housed as a program of The Catskill Center for Conservation and Development, a broad-based organization with twenty-five years of facilitating cooperation and promoting sustainable use of resources in the region. We expect to seek and receive necessary funding to move beyond this stage into a free-standing Biosphere Reserve Program after three years.

In the cause of better stewardship, increased cooperation and deepened public involvement, we look forward with great pride to the future of the Catskill Region Biosphere Reserve.

Sincerely,

  
M. Thomas Hatley, PhD  
Executive Director

BIOSPHERE RESERVE NOMINATION FORM

1. COUNTRY: United States of America
2. OFFICIAL NAME OF THE RESERVE: Catskill Region Biosphere Reserve
3. BIOGEOGRAPHICAL REGION: The biogeographic area, herein nominated for recognition as a BIOSPHERE RESERVE of state, national and international importance, is the CATSKILL REGION of the State of New York as that region was defined by the Legislature of the State of New York in 1976. The region, a part of the Eastern Deciduous Forest Province, includes all of Sullivan, Delaware, Schoharie, Greene, Otsego and Ulster counties, and the southwestern towns of Albany County (Berne, Knox, Rensselaersville, Westerlo, New Scotland and Coeymans), and, as thus defined, provides both definitive political boundaries and lowland buffering for the proposed Biosphere Reserve.

The CATSKILL REGION is diverse in its flora and fauna and highly divided politically. Like many Appalachian areas, it has struggled with a resource-based economy, and the lack of a strong regional economic development agenda. At the same time, the Catskills have tremendous biocultural importance. It was in the Catskills, "America's first wilderness," that ecotourism was invented and the image of American wildlands shaped. The ethnic enclaves of the Catskills today place the region among the most culturally diverse of rural regions in the country. The region fought the Anti-Rent War in the early 19th century, and this historic tradition of resistance to outside control remains alive.

The agencies of the state subdivide the region into many administrative subregions. Historically each town has guarded its rights of home rule and cooperation between towns, and with state agencies and the City of New York (which derives 90% of its water from the Catskills) has been rare. Natural resource studies, management plans, or educational efforts focused on the region have been few or far between. University sponsored research and governmental agency management has tended to focus on the margins of the region. A number of organizations within the region concerned for the protection of local preserves have conducted scientific studies of high competence (for instance, Mohonk Preserve and the Edmund Niles Huyck Preserve). The Catskill Center for Conservation and Development is the only organization that has taken as its focus of interest and responsibility the CATSKILL REGION as a whole.

A major goal of the Catskill Center and the other supporters of this application for BIOSPHERE RESERVE recognition of the CATSKILL REGION is to build support for focused studies of the Catskill area, and to advance resource studies, stewardship of the cultural and environmental heritage of the region, and education for residents and those who visit it. The immense public values of

the Catskills--water for millions, major parklands, and a rich community fabric--demand new understanding, monitoring and investments for the future. This proposal is designed to advance the agenda of the environmental and social health of the region against a legacy of underinvestment.

In addition, supporters of this application expect it to encourage scientific studies and research facilities directed at the interaction between economic, social and cultural forces on the CATSKILL REGION and its natural resources. The Catskills contain families and businesses, both rich and poor, which depend on the natural resources found in the proposed Biosphere Reserve. Examples include farming, timber harvesting, mining and the secondary industries that supply to and procure from these primary ones. Often the methods employed to tap these resources have cultural and historic importance which may not reflect current, preferred practice. In addition, the growing popularity of the region as a recreational and retirement area of nearby urban areas has introduced tension between longtime residents and the more recent arrivals. These factors provide an excellent climate to examine the interrelationship between the natural systems and the people who depend on them.

The supporters of this application seek a CATSKILL REGION BIOSPHERE RESERVE that reflects the unique cultural and natural terrain of the region, as well as its tradition of autonomy. Region-wide study, and action are needed, but the effort must be grounded in and conditioned by local effort and commitment. The local studies of the citizen's natural heritage effort in one Catskill town provide a model for building understanding from the town and preserve level.

#### 4. SIZE AND SPACIAL CONFIGURATION

The Catskills can be defined regionally by physiography, history, and politics. The regional boundary and limits of the watershed tapped by the City of New York are outlined on the attached map, "The Catskills," (Catskill Center for Conservation and Development, 2nd edition, 1986). The region, because of the complexity and overlap of its protected areas, working landscapes, and governmental subdivisions including parklands, does not sort easily into the core, buffer and transition zones of standard Biosphere Reserve format. The following description of size and spatial configuration adapts the Biosphere Reserve framework to local realities.

4.1 Size of the Protected Area(s): (Core Areas): 113,047 hectares (includes the Catskill Forest Preserve; Mohonk Preserve; Edmund Niles Huyck Preserve. ✓

The Catskill "Forest Preserve" is presently protected as "forever wild" through Article 14 of the New York State

Constitution. The Forest Preserve includes much of the highest area of the Catskill upland, its dramatic "front" paralleling the Hudson River, and deeply incised and glaciated drainage basins. The Forest Preserve is administratively under the control of the New York State Department of Environmental Conservation (DEC). Parts of the Forest Preserve are designated as "wilderness areas." The 'Blue Line' shown on the map is a device to make easy the determination whether lands acquired by the State of New York Department of Environmental Conservation subsequent to the original acquisitions should be designated as Forest Preserve, managed forestlands or wildlife management areas. Lands acquired within the Blue Line have become a part of the Catskill Forest Preserve.

4.2 Size of Managed Use Area (Buffer Zones): The buffer and transition areas are the most difficult to separate. ✓

The buffer zone contains 229,768 hectares (includes The Catskill Park excluding state-owned lands - 171,993 hectares; State-owned Reforestation, Wildlife Management, Multiple Use and Unique Areas - 44,982 hectares; dry and reservoir lands owned by New York City Department of Environmental Protection - 22,895 hectares, 10,102 hectares of which lie within The Catskill Park).

The lands, both public and private, within the Blue Line have been designated by the State of New York as the Catskill Park. This area is not a 'park' in the traditional American sense, though it may become such in time. A few special regulations apply within the 'Park' area that do not apply outside. For instance, signage is loosely regulated.

Overlapping the Catskill Park and including wider areas of the proposed Biosphere Reserve is the Catskill-Delaware Watershed of the water supply for the City of New York (see map). In this area, the City owns and manages the lands beneath, and immediately surrounding their reservoirs. In addition, in the Watershed as a whole, the City has special legal authority, and imposes its rules and regulations designed to safeguard the quality and quantity of water taken for City use. More than 90% of the water used by the City comes from this Watershed. Also outside the Catskill Park, there are significant state lands managed by DEC as Reforestation and Wildlife Management Areas, see map.

4.3. Approximate Size of Zone of Cooperation (Transition Area): 663,100 hectares (includes Ulster, Greene, Delaware, Sullivan, Otsego and Schoharie Counties, and the southwestern portion of Albany County (Towns of Berne, Knox, ✓



Ransselaerville, Westerlo, New Scotland and Coeymans) of the State of New York).

Two significant "Protected Areas" lie in this peripheral region: Mohonk Preserve and Huyck Preserve. Both support significant and continuing scientific studies. Also in this area are the "Managed Use Areas" managed by the DEC as Reforestation and Wildlife Management Areas.

Many other important lands also lie within the Zone of Cooperation. On the Shawangunk Ridge, adjoining the Mohonk Preserve, are parklands managed by the New York State Department of Parks, Recreation and Historic Preservation, such as Minnewaska State Park adjoining Mohonk Preserve. Along the Delaware River, the National Park Service administers a National Scenic and Recreational River Area on the Delaware River at the southwest boundary of the proposed Catskill Region Biosphere Reserve. Also to be mentioned are important private conservancy holdings in the Zone of Cooperation, such as the Emmons Pond Bog Nature Conservancy Preserve near Oneonta and the Virginia Smiley Nature Conservancy Preserve adjoining Mohonk Preserve. The largest lakes of the proposed Catskill Region Biosphere Reserve are in the peripheral areas. Most significant is Otsego Lake, headwater of the east branch of the Susquehanna River, near Cooperstown. Many small natural lakes are scattered through Sullivan County between the Delaware River valley and the Catskill Park.

#### 5. ADMINISTRATIVE AREAS INCLUDED IN THE PROPOSED BIOSPHERE RESERVE

If one or more existing and contiguous administrative areas (e.g., national park, nature sanctuary, experimental station) are to be included in the core area(s) and buffer zone(s) of the proposed biosphere reserve, give the name(s) of this/these administrative area(s) and the name(s) of the authority(ies) responsible for its/their management.

- Catskill Forest Preserve; New York State, Department of Environmental Conservation [110,134 ha, Protected Area]

- Catskill Park; Mixed Ownership [282,070 ha, 110,077 ha Protected Area and 171,993 ha Managed Use Area]

- New York City Water Supply, Catskill-Delaware System; New York City Department of Environmental Protection [ownership: 22,895 ha (reservoirs: 9,089 ha with 6,471 ha inside the Catskill Park Managed Use Areas, dry land: 13,320 with 3,631 ha inside the Catskill Park Managed Use Areas); limited authority: 503,808 ha reservoir drainages all within the Zone



CHARLES O. COOK  
40TH DISTRICT

THE SENATE  
STATE OF NEW YORK  
ALBANY

ROOM 312-508  
ALBANY N.Y. 12247  
DISTRICT OFFICE  
P.O. BOX 311  
DELHI N.Y. 12153

February 14, 1995

Hon. Daniel Patrick Moynihan  
Room 464  
Russell Senate Office Building  
Washington, D.C. 20510-3201

Hon. Alfonse M. D'Amato  
520 Hart Senate Office Building  
Washington, D.C. 20510-3201

Hon. Benjamin A. Gilman  
2185 Rayburn Building  
Washington, D.C. 20515-3220

Hon. Gerald B. Solomon  
Room 2265, Rayburn Building  
Washington, D.C. 20515

Hon. Sherwood Boehlert  
Room 1121  
Longworth House Office Building  
Washington, D.C. 20515

Hon. Maurice D. Hinchey, Jr.  
Room 1313  
Longworth House Office Building  
Washington, D.C. 20515

Re: Catskills/Biosphere Reserve

Dear Honorable Gentlemen:

It has come to my attention that The Catskill Center for Conservation and Development is promoting a project to have the Catskills designated a United Nations Biosphere Reserve. This designation is ordinarily applied to unpopulated areas in an effort to limit development and recognize those areas as environmentally valuable due to their current uninhabited state.

This application is apparently pending at the State Department and has been submitted to the United Nations Scientific, Educational and Cultural Organization (UNESCO) Man and the Biosphere Program. Unlike other designated areas, the Catskills are relatively heavily populated, although certainly not urban in character. The residents of the Catskills are currently besieged by New York City's efforts to impose land use regulations and the last thing this region needs is an international group of experts telling us what to do with our property.

Page 2

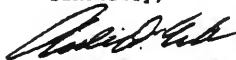
February 14, 1995

Hon. Daniel Patrick Moynihan  
 Hon. Alphonse D'Amato

Hon. Benjamin Gilman  
 Hon. Gerald Solomon  
 Hon. Sherwood Boehlert  
 Hon. Maurice Hinchey

Please exert whatever influence you can bring to bear to thwart this ill-conceived plan at its earliest stage. The principles of home rule should not be trampled upon. Such a designation will only open the door for more outsiders to claim a right to direct future development in the Catskills, a right that should certainly be left solely in the control of this region's residents.

Sincerely,



CHARLES D. COOK  
 State Senator

CC:jhf  
 Enc.

cc: Hon. James Seward  
 Hon. Clarence D. Rappleyea  
 Hon. John Faso  
 Hon. John Guerin  
 Delaware County Board of Supervisors  
 Greene County Legislature  
 Sullivan County Board of Supervisors  
 Ulster County Legislature

bcc: The Property Rights Foundation of America, Inc. ✓

## Catskill BIOSPHERE Committee

Route 28  
 Arkville NY 12406  
 (914) 586-2611

May 30, 1995

Dean Bibles, Chairman  
 US National Committee for Man and the Biosphere Program  
 USMAB Secretariat  
 OES/EGC/MAB  
 US Department of State  
 Washington, D.C. 20522-3706

Dear Mr. Bibles:

This letter is to follow-up and confirm our recent phone conversation regarding the application to designate the Catskill Region as an international biosphere reserve. Because of the public misunderstanding and opposition to the proposed Catskill Biosphere Reserve, we request that the U.S. Man and the Biosphere Program withdraw the Catskill application from consideration.

We deeply regret that this misunderstanding occurred. However, without public support for and understanding of the designation, we cannot go forward.

We appreciated the opportunity to apply for this international distinction and the assistance you provided.

Sincerely,



Janet Crawshaw  
 on behalf of The Catskill Biosphere Committee

Contact people:

Janet Crawshaw  
 The Catskill Center  
 (914) 586-2611

Glenn D. Hoagland  
 Mohonk Preserve  
 (914) 255-5969

Dr. Sherret Chase  
 Olive Natural Heritage Society  
 (914) 657-2392

Dr. Richard L. Wyman  
 Huyck Preserve  
 (518) 797-3440

GERALD B. SOLOMON

MEMBER OF CONGRESS  
130 DISTRICT, NEW YORK  
HOUSE LEO ROYCEMAN Building  
WASHINGTON, DC 20515-1212  
(202) 225-0171MEMBER  
HOUSE TAKE FORCE ON AMERICAN  
PROSECUTION OF WAR AND  
CRIMES IN SOUTH AFRICARULES COMMITTEE  
CHAIRMANMEMBER  
HOUSE TAKE FORCE ON  
CHILD CARE, SERVICES  
EDUCATION AND THE ELDERLYCongress of the United States  
House of Representatives  
Washington, DC 20515-1222

June 7, 1995

Mr. Roger E. Soles  
Executive Director  
Man and The Biosphere Program  
U.S. State Department  
135 Wilson Boulevard  
Rosslyn, Virginia 22219

Dear Director Soles:

It has come to our attention that your office has received an application from the Catskill Center for Conservation and Development for the United Nations Scientific, Educational, and Cultural Organization's Man and the Biosphere Reserve designation for the Catskill region of upstate New York.

As we understand, the Catskill Center's application to designate Greene, Delaware, Ostego, Schoharie, Sullivan and Ulster counties as a Biosphere Reserve was submitted without the input or consent of the affected communities. This application has generated a great deal of concern with local and county officials in this region of New York, many of whom have flatly objected to being included in the Catskill Center's plans for a United Nations Biosphere Reserve.

It is imperative that the State Department consider the views and interests of the local communities within these counties before further action is taken in this matter. Therefore, we would appreciate your providing the status of this application so that we may be made aware of what efforts are being made to address the concerns of these local communities.

Sincerely,

  
GERALD B. SOLOMON  
Member of Congress

GBS:cfw

DISTRICT OFFICES

Saratoga Springs  
State Police, Saratoga, NY 12868  
518-487-4888Herkimer County  
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518-476-2288NY Executive Avenue  
Hudson, NY 12534  
518-528-418121 Bay Street  
Glens Falls, NY 12033  
518-762-3887

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

June 9, 1995

Mr. Roger E. Soles  
 Executive Director  
 Man and The Biosphere Program  
 U.S. State Department  
 155 Wilson Boulevard  
 Rosslyn, Virginia 22219


Dear Director Soles:

It has come to our attention that an application submitted by the Catskill Center for Conservation and Development for the United Nation's Scientific, Educational and Cultural Organization's Man and the Biosphere Reserve designation for the Catskill region of upstate New York has been withdrawn.

As you are probably aware, the Catskill Center's application to designate Greene, Delaware, Osteo, Schoharie, Sullivan and Ulster counties as a Biosphere Reserve has been a cause for great concern in many of the affected communities. It is our understanding that many local and county officials involved have objected to be included in the plans for a Biosphere Reserve in this region of New York.

On behalf of the local communities involved, we are writing to ask for a confirmation of the withdrawal of the Catskill Center's application. Thank you for your timely consideration of this matter.

Sincerely,

  
 ALFONSE D'AMATO  
 United States Senator

  
 GERALD R. SOLOMON  
 Member of Congress



United States Department of State

Washington, D.C. 20520

JUL 17 1995

Dear Mr. Solomon:

Thank for your letter of June 9, 1995, concerning the application submitted by the Catskill Center for Biosphere Reserve Designation.

The Catskill Center's application for nomination as a biosphere reserve was withdrawn per their request on May 30th and will not be presented to the U.S. Man and the Biosphere Program National Committee.

Please do not hesitate to contact us if we may be of further assistance.

Sincerely,

*Wendy R. Sherman*

Wendy R. Sherman  
Assistant Secretary  
Legislative Affairs

Enclosure: Catskill nomination withdrawal letter

The Honorable  
Gerald B. Solomon,  
House of Representatives.

PREPARED STATEMENT OF ANN WEBSTER SMITH

## US/ICOMOS

United States Committee, International Council on Monuments and Sites  
 401 F Street NW, Room 331, Washington DC 20001 USA  
 Telephone 202 842 1866 Fax 202 842 1861

STATEMENT SUBMITTED  
 BY THE U.S. NATIONAL COMMITTEE  
 OF THE INTERNATIONAL COUNCIL ON MONUMENTS AND SITES  
 TO THE HOUSE OF REPRESENTATIVES COMMITTEE ON RESOURCES  
 AT ITS HEARING ON H.R. 3752  
 SEPTEMBER 12, 1996

The U.S. National Committee of the International Council on Monuments and Sites ( US/ICOMOS ) submits this statement concerning H.R. 3752, a bill "to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands."

US/ICOMOS would like to address those aspects of H.R. 3752 which deal with the World Heritage Convention and U.S. participation in it. We would encourage the Committee on Resources to strengthen and encourage measures which would lead to a greater United States participation in the World Heritage Convention. For that reason, we would oppose any steps such as those proposed in H.R. 3752 which would diminish or limit the level of U.S. actions concerning the Convention and the World Heritage List created under the Convention.

US/ICOMOS is a non-governmental membership organization with over 600 members representing fields of architecture, town planning, history and architectural history, archaeology and archives. ICOMOS is a non-governmental organization established in 1965 and is concerned with the conservation, protection, rehabilitation and enhancement of historic properties and groups of buildings, historic districts and sites. US/ICOMOS is one of a network of independent non-governmental national committees representing similar professions in more than 90 countries, the International Council on Monuments and Sites.

More importantly in terms of the proposed legislation, H.R. 3752, ICOMOS is one of two non-governmental bodies (the other being the International Union for the Conservation of Nature) named in the World Heritage Convention as professional advisory entities on nominations to the World Heritage List, a list of natural and man-made (cultural) properties determined to be "of outstanding universal value," to each and all nations.

The World Heritage Convention has its roots in proposals put forward by the United States during the first Nixon Administration at the Stockholm Conference on the Environment in 1972 where the Hon. Russell Train headed the U.S. delegation. Subsequently, the United States was the first nation to ratify the Convention. Since that time 145 countries have ratified the Convention and have nominated over 700 properties, both natural and cultural, of which 469 have qualified for listing on the World Heritage List of Cultural and Natural Heritage "of outstanding universal value."

In this country, many of the most important historic properties that embody the spirit of freedom of the United States and our contribution to human civilization such as Thomas Jefferson's



US/ICOMOS Statement regarding H.R. 3752  
 September 12 1996  
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Monticello, the Statue of Liberty and Independence Hall have been listed along with natural sites of extraordinary distinction such as Everglades, Carlsbad Cavern and Grand Canyon National Parks. In other countries, cultural properties of such undeniable "outstanding universal value" as the Acropolis, Westminster Abbey, the Pyramids of Egypt and the Great Wall of China have been listed along with whole towns or urban areas such as Old Jerusalem, Venice and its Lagoon and Islamic Cairo.

The nomination of properties is guided by each country (or State Party to the Convention), who determine which from among its national patrimony it considers to be within the rigid criteria that define "outstanding universal value." There is no international legal protection or sanction for nominated or listed World Heritage properties. Protection for both grows out of the laws and statutes of the nominating country and these must be stated by the nominating country which is neither limited nor prohibited from any proposed use or action except by any limits or prohibitions established by the country's own laws. Nomination forms for properties proposed for listing call for a statement of laws or decrees which govern the protection of nominated monuments and sites including the nominated property, evidence of a master plan for the historic preservation of the nominated property, together with a land-use plan, an urban development plan or a regional development plan if any exist. The nomination form asks for information as to whether these legislative or statutory measures prevent uncontrolled exploitation of the ground below the property, the demolition and reconstruction of buildings located on the property or permit other significant changes such as raising building height or other transformation of the urban fabric. The nomination must also indicate what if any measures exist to encourage revitalization of the property.

The nomination form seeks to identify - and not to impose - protective measures whether national or federal, state or provincial, regional or local, which may apply to the property. There are no measures for international protection or international sanction within the provisions of the Convention guidelines. Any protective measures which may exist are, in the parlance of the United States, federal, state or local. No international protection is claimed or implied except the protection which might grow out of moral suasion or concern for a property believed to be "of outstanding universal significance." There is no international mechanism for enforcement at any level. The most drastic action possible but thus far never implemented is removal from the List.

Following the nomination, an intense professional evaluation is made of each property or group of properties and the case that has been made for inclusion in the World Heritage List.

Those countries (or States Party) participating in the Convention see it as a mechanism for encouraging national pride, for stimulating education concerning each country's own national treasures whether they represent history, culture or natural wonders. They see listing on the World Heritage List as the means for economic development especially in terms of encouraging tourism and visitation, a major source of local and foreign investment in many countries. No other country has identified World Heritage as a detriment, because in fact, there are none.

In most countries of the world, historic cities, towns and historic districts under the leadership of their local, state or regional and national officials, seek listing because they know that such

US/ICOMOS Statement regarding H.R. 3752  
 September 12 1996  
 Page 3

recognition serves to stimulate local pride, economic development, and to encourage private investment and public recognition of the quality of the area. The Ancient Cities of Aleppo and Damascus are listed, the historic quarters of Budapest are listed as are the historic centers of Florence, Naples and Rome, of Cracow and Warsaw, of Bath and Edinburgh in Great Britain, of Segovia and Toledo in Spain, of Bern in Switzerland, of the historic areas of Istanbul, of Dubrovnik, of Potosi in Bolivia, of the towns of Ouro Preto, Olinda and Salvador de Bahia in Brazil, of Quebec in Canada where the small historic town of Lunenburg was recently inscribed, of Quito, and of Mexico City. These are among the many historic towns and city centers that other countries have seen fit to nominate as "of outstanding universal value."

In each country and in each of these cities and towns, all dynamic and living urban areas as well as communities rich in history and tradition, the people, local pride and the economy of the community have all benefited as a result of listing.

But in the United States, in spite of our own rich heritage and its undeniable contribution to all humanity, and in spite of our own beautiful, historic, well planned and widely visited historic areas such as Chicago, Charleston and New Orleans, such as Georgetown, San Antonio and Santa Fe, and many many more, no historic towns and areas are listed. Why is that? Because an element of the 1980 amendments to the National Historic Preservation Act, has limited the nomination process by calling for the consent of each owner in a historic district to such listing.

This statutory limitation on the nomination of historic properties, unique to the United States, has been frustrating for the citizenry of those historic communities which greatly desire the honor, distinction and advantages that World Heritage listing implies.

Two years ago residents of Savannah sought to nominate that beautiful and historic city to the World Heritage List but because of the statutory requirement for owner consent for the nomination, chose to nominate only the publicly owned spaces, the streets, the parks and the plan of Savannah, to the World Heritage List. Procedures for nomination to the List for properties categorized as "cultural" present no criterion for the listing of such properties but instead, in relation to inhabited historic towns, distinguishes four categories:

- (1) "Towns which are typical of a specific period or culture, which have been almost wholly preserved which have remained largely unaffected by subsequent developments.
- (2) "Towns that have evolved along characteristic lines and have preserved, sometimes in the midst of exceptional natural surroundings, spatial arrangements and structures that are typical of the successive stages in their history...
- (3) "'Historic centers' that cover exactly the same area as historic towns and are now enclosed within modern cities...
- (4) "Sectors, areas or isolated units which, even in the residual state in which they have survived, provide coherent evidence of the character of a historic town which has disappeared...."

In reviewing Savannah's selective nomination of its parks, streets, open spaces and publicly owned areas, it was determined that the proposed listing did not fall into any of the specified

US/ICOMOS Statement regarding H.R. 3752  
September 12 1996  
Page 4

categories of properties or inhabited historic towns that might be listed. Savannah was asked to nominate the whole historic area as a complete living city with its buildings and gardens, but because of statutory limitations on US nominations, ie, the owner consent provision, was unable to do so. This was a great disappointment to the residents of Savannah and similarly a disappointment for those other historic towns and cities in the US who were considering the nomination of their own historic areas. Such restrictions imposed by federal legislation are actually blocking the will of our local populations to manifest their historic legacy and share it with all humanity.

H.R. 3752 would, in effect, further limit the ability of the United States to place its treasures on the rolls of the world's patrimony where they might enjoy the recognition that they deserve and the benefits that other countries have seen in their own World Heritage sites. World Heritage listing is designed to protect properties, to protect and to preserve communities, and to serve as a mechanism for encouraging investment and economic development that will further enhance the unique character of such properties. H.R. 3752, in seeking to limit the recognition of quality which World Heritage listing encourages, is diminishing rather than enhancing measures such as World Heritage listing which serves to educate, to stimulate pride, to revitalize decaying urban areas, to encourage public and private investment, to strengthen communities as well as those who live in them and those who enjoy them.

We would encourage the House Committee on Resources to give serious consideration to the negative impact that H.R. 3752 would have on existing measures that protect our greatest treasures and values such as the World Heritage process, a process which grew out of a United States initiative, a Convention which the United States was the first of 145 nations to ratify, a measure which has done much to achieve recognition and protection of our planet's cultural and natural heritage "of outstanding universal value."

Testimony presented by Ann Webster Smith, Board of Trustees Chair, US/ICOMOS

The Honorable Don Young  
September 13, 1996  
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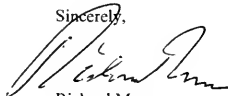
prove burdensome. For the limited number of federal sites which qualify, Congress has delegated the responsibility for nomination to the executive branch with the intent that the Department of the Interior, as the federal government's chief steward of its cultural resources, is best suited to undertake nominations. To require Congress to approve each World Heritage nomination would create an unnecessary and intrusive level of government involvement in the nomination process. Current law already requires the Secretary to notify Congress of a nomination.

Furthermore, H.R. 3752 undermines the rights of individual private property owners who might wish to see their property nominated as a World Heritage Site. As proposed, H.R. 3752 would have the effect of also requiring private property owners to receive the approval of Congress before they can have the Secretary nominate their property as a World Heritage Site. As a property owner, the National Trust views this as an inappropriate invasion of private property rights.

In closing, Mr. Chairman, the National Trust views the specter of this legislation with great dismay. Enactment of H.R. 3752 would virtually eliminate the United States' participation in the World Heritage Convention. This would be regrettable. The World Heritage Convention, which the United States was the first country to ratify, is a mechanism to bring international attention to the outstanding examples of our national patrimony. For more than 450 sites in 145 countries, placement on the World Heritage List is cause for national pride and an opportunity to promote tourism, education, and appreciation for history and world civilizations. World Heritage listing promotes property enhancement through investment, economic development, and stewardship. H.R. 3752 would undermine these gifts and the lessons they impart.

Thank you for your consideration.

Sincerely,



Richard Moe  
President

cc: The Honorable George Miller, Ranking Member, House Resources Committee

PREPARED STATEMENT OF RICHARD MOE



## National Trust for Historic Preservation

1785 Massachusetts Avenue, N.W.  
 Washington, D.C. 20036  
 (202) 588-6000 / FAX (202) 588-6038 / TTY (202) 588-6200

September 13, 1996

The Honorable Don Young  
 Chairman  
 House Resources Committee  
 1324 Longworth House Office Building  
 Washington, D.C. 20515

Dear Mr. Chairman:

On behalf of our 270,000 members, I am writing to express the opposition of the National Trust for Historic Preservation to H.R. 3752, the "American Land Sovereignty Protection Act of 1996." This legislation would amend Section 401 of the National Historic Preservation Act (16 U.S.C. 470a-1) to prohibit the Secretary of the Interior from nominating any federal lands to the World Heritage Committee on behalf of the United States unless such nomination is specifically authorized by law.

I would like to take this opportunity to clarify the significance of the World Heritage List. World Heritage listing imposes absolutely no restraints on land use. There are no international protections or sanctions which are imposed by World Heritage site designation. In nominating a property, the nominating country is not constrained from any use or action beyond the requirements of its own laws. Listing as a World Heritage site confers no protection. Although the nomination does seek evidence of legal protections to ensure the preservation of the property, any protections must be provided by governmental units of the United States. World Heritage listing is simply a mechanism to recognize those places which have outstanding universal value to each nation and to all nations. In the United States, properties such as Thomas Jefferson's Monticello, Independence Hall, Everglades National Park, and Grand Canyon National Park are counted as World Heritage sites. International sites include the Great Wall of China, Westminster Abbey, and Old Jerusalem.

The National Trust opposes H.R. 3752 for several reasons:

First, H.R. 3752 would create an unnecessary and intrusive structure for World Heritage Site nominations. Under current law, the Secretary may nominate sites under federal control. Sites that are not owned by the federal government - sites owned by private individuals and by state or local governments - can be nominated only if the owner of the property concurs in writing to such nomination. As written, this provision already effectively precludes listing of historic districts, towns, neighborhoods and other areas where acquiring owner consent would

*The mission of the National Trust for Historic Preservation is to foster an appreciation of the diverse character and meaning of our American cultural heritage and to preserve and revitalize the livability of our communities by leading the nation in saving America's historic environments.*

PREPARED STATEMENT OF RAFF POMERANCE

## TESTIMONY OF

RAFF POMERANCE

DEPUTY ASSISTANT SECRETARY OF STATE  
FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND  
SCIENTIFIC AFFAIRS

DEPARTMENT OF STATE

SUBMITTED TO

THE COMMITTEE ON RESOURCES

UNITED STATES HOUSE OF REPRESENTATIVES

12 SEPTEMBER 1996

Mr. Chairman:

I am currently in Mexico as Head of the United States Delegation to the 12th Plenary Session of the Intergovernmental Panel on Climate Change. I regret that I am therefore unable to attend this hearing of the Committee on Resources to discuss H.R. 3752, the American Land Sovereignty Protection Act of 1996.

H.R. 3752 includes specific provisions relating to the Convention on the Protection of the World Cultural and Natural Heritage ("the World Heritage Convention") and the U.S. Man and the Biosphere Program. In addition, it contains a more general section that applies broadly to land designations or classifications pursuant to any international agreement with a primary purpose of conservation. This more general provision could affect U.S. implementation of and participation in negotiations relating to many different bilateral and multilateral agreements, including the Convention on Wetlands of International Importance Especially as Waterfowl Habitat ("the Ramsar Convention").

H.R. 3752 appears to be based on a misunderstanding that the World Heritage Convention, international agreements such as the Ramsar Convention, and the Man and the Biosphere Program threaten U.S. sovereignty. While these agreements or programs provide a way of awarding international recognition to sites of exceptional environmental or cultural importance, they do not regulate the management of these sites or affect the rights of the country in which they are located. Moreover, local initiative plays a key role in the nomination process for U.S. sites, which involves local citizens, state and local governments, and the federal government working together for site recognition.

H.R. 3752 also fails to take account of the important foreign policy objectives achieved through U.S. participation

-2-

in these agreements or programs. The United States has a strong policy of international engagement on environmental issues. Our participation in international environmental agreements and activities conveys many benefits to us here in the United States. Secretary Christopher, in his April 9 address at Stanford University stated that "our ability to advance our global interests is inextricably linked to how we manage the Earth's natural resources." International recognition of environmentally or culturally valuable sites has proven an effective tool for encouraging resource management in many countries with less well developed traditions of conservation. The recognition of a World Heritage, Ramsar or Man and the Biosphere site abroad can have profound implications for the development of natural and cultural resource management programs in other countries.

It can also have implications for us at home. This may be as simple as ensuring that our children and grandchildren will be more likely to get to see the Pyramids or the Taj Mahal intact. Or it may be more complex. Former President Reagan emphasized, when he sought Senate advice and consent of the Ramsar Convention in 1986, that the agreement could "help stimulate Latin American countries, in particular, to cooperate in protecting the wintering habitat of birds that migrate to North America."

Let me briefly focus on the World Heritage Convention, the U.S. Man and the Biosphere Program and the Ramsar Convention to emphasize that each of these agreements or programs is important and functions well.

#### World Heritage Convention

The Convention on the Protection of the World Cultural and Natural Heritage is a conservation landmark that helps draw international attention to the incomparable natural or cultural significance of sites such as the Cathedral of Chartres, the Pyramids of Egypt, the Serengeti National Park, the Taj Mahal, and the Grand Canyon.

The United States was the principal architect of the Convention. In 1971, President Nixon directed the Secretary of the Interior, under the foreign policy guidance of the Secretary of State, to develop international world heritage initiatives. Following the conclusion of negotiations in 1972, the United States became the first country to ratify the Convention, in December, 1973. Currently, 146 nations are party to the Convention. The U.S. plays a strong leadership role in the Convention and is currently serving its second six-year term on the twenty-one member World Heritage Committee.

The Convention embodies respect for the sovereignty of countries on whose territory World Heritage sites are located in several ways. First, it makes clear that the responsibility

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for identifying and delineating such sites rests with States (national governments) Party to the Convention. Second, it specifies in article 6(1) that the international community's duty to cooperate for the protection of world heritage occurs within a context of full respect for "the sovereignty of the States on whose territory the cultural and natural heritage" is located and "without prejudice to property rights provided by national legislation." Finally, the substantive obligations imposed by the Convention on States Party are limited in scope, as is the authority of the World Heritage Committee established by the Convention.

As you are aware, the National Historic Preservation Act Amendments of 1980 and regulations promulgated thereunder specify the procedures for nomination of World Heritage sites in the U.S. These procedures already afford an important role to the Congress and to non-Federal property owners such as state or local governments and private citizens. The Secretary of Interior is barred from nominating a property as a World Heritage site unless it has previously been determined to be "of national significance" through domestic designation as a National Historic Landmark or National Landmark or as an area of national significance established by the Congress or by Presidential proclamation under the Antiquities Act of 1906. The Secretary of Interior is also required to notify the House Committee on Resources and the Senate Committee on Energy and Natural Resources before nominating any U.S. property as a World Heritage site. In addition, the written concurrence of the owner of the property is required before nomination of any non-Federal property.

#### Man and The Biosphere Program

The global network of biosphere reserves includes many of the world's outstanding protected areas. These are areas where national and local commitments have been made to long-term environmental monitoring, interdisciplinary research and environmental education. They include protected natural areas, areas of managed use, and areas of cooperation. Ideally, in all areas of a biosphere reserve, landowners, resource managers, scientists, and local people work together to promote research, education, economic and cultural development and conservation. As with World Heritage and Ramsar sites, the MAB sites in the U.S. are managed under the relevant federal and/or state laws and regulations. There is no international regulatory framework.

The Man and the Biosphere Program was originally established in 1971 as a science program by the United Nations Educational, Scientific, and Cultural Organization (UNESCO) to promote the study of the earth's human and natural systems. It does not operate under the aegis of any international treaty.



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In addition, UNESCO's "Statutory Framework" for the world network of biosphere reserves makes clear that these reserves "remain under the sovereign jurisdiction of States where they are situated." We established the U.S. Man and the Biosphere Reserve Program in 1974.

The Department of State provides a small administrative Secretariat to coordinate the Man and the Biosphere (MAB) program. With 15 Federal Agencies, U.S. MAB supports integrated interdisciplinary research in the natural and social sciences to help solve problems arising from the interactions of human societies and natural systems from polar to tropical regions. The U.S. National Committee for MAB considers nominations for potential biosphere reserve sites from within the U.S. and it coordinates U.S. MAB activities with the activities of UNESCO MAB and other national MAB programs.

When the U.S. left UNESCO in 1984, the Reagan Administration decided to continue to provide funds for continued interaction between U.S. MAB and the international Man and the Biosphere Program. In this capacity we continue a strong program of research and collaboration with other regions and with nations, including Latin America, Europe, and the Newly Independent States of the Former Soviet Union. UNESCO continues to recognize our U.S. biosphere reserves and to act on nominations for biosphere status submitted by the managers of possible biosphere reserves in the United States.

The Man and the Biosphere Program has a significant role in international scientific exchange. U.S. sites have become a destination for land managers and scientists from around the world interested in studying how the interaction between people and protected lands is being managed in the country with the most well developed system of protected areas and resource management in the world.

At the international level, we promote pairings of biosphere reserves for comparative study and mutual benefit. On a regional scale, cooperation among biosphere reserves is facilitating scientific and technical exchanges which benefit both U.S. and foreign scientists and land managers. They are also providing sites for long term comparative research on serious global scale environmental problems such as climate change, acid rain and the prevention of species and habitat loss. The U.S. MAB Program particularly promotes the development of electronic information sharing and monitoring networks between MAB sites around the world to link scientists in a way that allows broad-scale detection of environmental trends and a new way of sharing of experience and knowledge.

Section 5 of H.R. 3752 - Ramsar Convention

In addition to provisions addressing the World Heritage Convention and the Man and the Biosphere Program, H.R. 3752 contains a final section aimed generally at land designations or classifications pursuant to any international conservation agreement. The full effects of this more general section are difficult to evaluate; its language is ambiguous in a number of places, and it could potentially encompass many different bilateral and multilateral agreements. We are concerned that, given the provision's current breadth of application, it would likely have unintended effects.

We are also concerned about the effect of this section on U.S. implementation of and participation in international negotiations relating to the Ramsar Convention. The Convention on Wetlands of International Importance Especially as Waterfowl Habitat was concluded in Ramsar, Iran in 1971. President Reagan submitted it to the Senate, which provided advice and consent to ratification in 1986. The Convention is the result of a broad international recognition of the economic, cultural, scientific, ecological, and recreational value of wetlands. It also reflects broad-based concern over the progressive worldwide loss of these habitats and their dependent resources, and recognition of their vital role in the preservation of migratory birds.

The Convention provides a framework for promoting the conservation of wetlands through international cooperative and coordinated actions, consultations and information exchange. Through its 92 States Party, the Convention fosters the cataloging, monitoring, and sustainable management of some 775 wetland sites around the world, all deemed to be of international significance. Fifteen Ramsar sites have been designated in the U.S. These include such famous natural wonders as Okefenokee Swamp of Southern Georgia, the Everglades of Florida and the Chesapeake Bay estuary.

Like the World Heritage Convention, the Ramsar Convention makes clear that the responsibility for identifying and for protecting sites suitable for listing under the Convention rests with the State in whose territory the site is located. It also states that the inclusion of a wetland in the Ramsar list "does not prejudice the exclusive sovereign rights of the Contracting Party in whose territory the wetland is situated."

With regard to U.S. implementation of the Convention, the 1990 Federal Register notice setting forth the policy and guidelines of the Fish and Wildlife Service with respect to the nomination of U.S. Ramsar sites specifies that Ramsar listing does not impose a new management regime on these areas. These

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guidelines also require that the Fish and Wildlife Service will not consider a site for Ramsar nomination unless there is concurrence from the State, Commonwealth or territory where the site is located, and unless ownership rights to the site are free from encumbrances or dispute. Moreover, only the party holding title to a land area can propose that area to the Fish and Wildlife Service for nomination as a Ramsar site.

Our membership and international participation in the Ramsar Convention provides many benefits. Most prominent is reinforcement of the protection of a whole range of wetland-loving migratory birds, including many important game species (ducks, geese, coots, rails, etc.). The network of Ramsar sites in Canada and Mexico supports safe breeding and wintering sites, respectively, for these waterfowl and gamebirds -- birds that generate significant income in the U.S. through hunting related enterprises as well as those related to nature appreciation and bird watching (which is an estimated \$1.5 billion U.S. business). These internationally recognized sites in the U.S. also attract a steady stream of foreign tourists, with concurrent effects on local and regional economies.

#### Conclusion

We believe that U.S. participation in the agreements and program described above serves important national interests and is effectively coordinated with all stakeholders. For example, international recognition of the Chesapeake Bay Estuary as a Ramsar Wetland of International Significance mirrors the commitment of the citizens and governments of the states around the Bay to restoring the health of that ecosystem. Recognition of the Champlain-Adirondack Biosphere Reserve reflects the importance of this area, almost three times the size of Yellowstone, as a place where we can carefully study the historical and present day coexistence of man and nature.

In conclusion, the Department of State strongly opposes the American Land Sovereignty Protection Act of 1996. The provisions of the bill address concerns related to national sovereignty that are not grounded in the actual provisions and implementation of these well-functioning agreements or programs. By imposing specific congressional authorization requirements on the nomination or designation process for, for example U.S. World Heritage Sites or biosphere reserves, H.R. 3752 adds a level of political and bureaucratic regulation that is unnecessary and runs counter to the U.S. role in global environmental cooperation.



September 25, 1996

The Honorable Don Young  
Chairman  
House Resources Committee  
Washington, D.C. 20515

Dear Congressman Young:

I am writing to support the American Lands Sovereignty Act that would require Congressional approval for areas proposed for designation as Biosphere Reserves.

My district includes the eastern portion of Voyageurs National Park in Minnesota. In 1985, the National Park Service proposed that the park and adjacent areas be designated as the Northwoods International Biosphere Reserve. Local opposition resulted in the elimination of this proposal in 1987. One of the main concerns was that there was no congressional approval required for these areas, although they clearly have implications for the future of lands and waters both inside and outside boundaries established by Congress. Furthermore, a commission created by the Minnesota legislature concluded that the Biosphere Reserve purpose was contrary to the purposes for which the national park was established.

As you know, we have had persistent problems in Northern Minnesota with federal land management policies, as evidenced by the results of Congressional Hearings held over the past year. More Congressional oversight of federal land management policies and practices is clearly necessary to restore public trust and confidence in these agencies. The American Lands Sovereignty Act will go a long way toward achieving that goal.

Sincerely,

*Wade Fawcett*

Chairman

cc: Congressman James Oberstar  
Congressman Collin Peterson

Member Counties:

Beltrami County

Clearwater County

Cook County

Itasca County

Koochiching County

Lake County

Lake of the Woods

Marshall County

Pennington County

St. Louis County

320 West Second St.

Room 607

Duluth, Minnesota

55802

(218) 726-2606

FAX: 726-2600

" Planning Locally Today for Future Generations "

PREPARED STATEMENT OF RUSSELL A. MITTERMEIER



## CONSERVATION INTERNATIONAL

September 9, 1996

The Honorable Don Young  
Chairman  
Committee on Resources  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Young:

Conservation International is strongly opposed to your proposed "American Land Sovereignty Protection Act" (H.R. 3752). If enacted, this bill would needlessly hamstring two important international conservation initiatives that the United States has led for more than two decades.

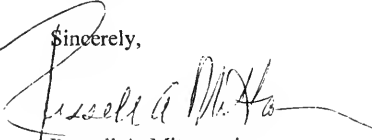
The World Heritage Convention and the Man and the Biosphere (MAB) Program bring international recognition to America's natural treasures: the Grand Canyon, Yosemite, Denali, Yellowstone, the Everglades, Death Valley, and many more. These are lands that the American people have already decided to preserve as protected areas for future generations. Their designation as Biosphere Reserves or World Heritage Sites adds no land-use restrictions and implies no loss of sovereignty.

What the World Heritage and MAB programs do offer is an opportunity for the United States to share with other nations our experience in managing these sites and to learn from the experiences of others. World treasures such as the Taj Mahal, the Pyramids, the Galapagos Islands, Mount Kilimanjaro, and Victoria Falls have benefited from the international expertise that World Heritage and MAB make available. Americans care about these special places as they do our own natural and cultural heritage.

Like many, I believe that the United Nations system needs reform. The U.N. programs you seek to restrict, however, are models of what the U.N. should be: a

forum for voluntary cooperation among nations on issues of common concern. The United States led the world to establish both the World Heritage Convention and the Man and the Biosphere Program. We should not retreat from our position of leadership. I urge you strongly not to send H.R. 3752 to the House floor.

Sincerely,

A handwritten signature in dark ink, appearing to read "Russell A. Mittermeier", with a long horizontal flourish extending to the right.

Russell A. Mittermeier  
President

cc: Committee members  
Bruce Babbitt  
Tim Wirth  
Katie McGinty

PREPARED STATEMENT OF WAYNE HOFFMAN

# BRADD

 JACK EVERSON  
 Executive Director

 NELL CUNY, Chair  
 CHARLES HONEYCUTT, Vice-Chair  
 KENNETH MAUER, Secretary  
 MICHAEL JENNINGS, Treasurer

 Barren River  
 Area Development District

September 11, 1996

 Chairman Donald Young  
 Committee on Resources  
 1324 Longworth House Office Bldg.  
 Washington, D.C. 20515-6201

Post-It* Fax Note	7671	Date	9/11	# of pages	1
To: Chairman Donald Young		From:	Wayne Hoffman		
Co./Dept.		Co.	BRADD		
Phone #		Phone #			
Fax #	202-225-6929	Fax #			

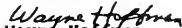
Dear Sir:

As Chairman of the Mammoth Caves Biosphere Reserve Advisory Council, I wish to express my concern that our activities are being confused with any facet of the United Nations. While the Biosphere Reserve is a UN designation, all of the work we do here is oriented toward service to the local governments, local chambers of commerce, local civic organizations, and environmental groups.

The mission we serve, as a functional committee of the Barren River Area Development District, is to bring the concerns of our citizens to a forum that includes Federal and State agencies. It has given us a means to review plans of the National Park Service, the Army Corps of Engineers, our State Transportation Cabinet, Western Kentucky University research faculty with our area's chief locally elected officials.

We had never been able to do this until we received UN Biosphere Reserve designation. The designation does not obligate us to any UN directive other than making a good faith effort to develop the economic opportunities of our area in a manner consistent with good stewardship of our natural history. Through our efforts, five local agencies, four state agencies and the NPS have joined in sharing technology for mapping our local utilities, highways, and community development plans. This is one example of the benefits of the designation.

Yours truly,

  
 Wayne Hoffman  
 Chairman

 cc: Ranking Democratic Committee Member  
 Mr. George Miller

PREPARED STATEMENT OF RUSSELL E. TRAIN



Russell E. Train  
*Chairman Emeritus*

September 11, 1996

The Honorable Don Young  
 Chairman, Resources Committee  
 U.S. House of Representatives  
 Washington, D.C. 20515

Dear Chairman Young:

I write in opposition to H.R. 3752, the "American Land Sovereignty Protection Act" and urge you not to report this bill from Committee. This legislation is neither warranted nor wise. It is an unfounded attack on international conservation programs that recognize areas in the world that are of "outstanding universal value." Contrary to this bill, I believe this Committee should strengthen and encourage measures that would lead to greater participation by the United States in the World Heritage Convention, RAMSAR Convention, Biosphere Reserve Program, and other worthwhile international conservation programs.

In 1972, while serving as chairman of the Council on Environmental Quality in the Nixon Administration, I led the U.S. delegation to the Stockholm Conference on the Environment where we proposed the concept for a World Heritage Convention. The Convention Concerning the Protection of the World Culture and Natural Heritage was adopted in Paris later that year and the United States was the first nation to ratify the treaty. Today, 145 countries are party to the Convention and 469 cultural and natural sites are recognized as World Heritage sites.

Sites on the World Heritage List include some of the world's most spectacular and awe-inspiring natural beauty — Australia's Great Barrier Reef, Ecuador's Galapagos Islands, Tanzania's Mt. Kilimanjaro and Serengeti National Parks, and America's Yellowstone, Redwoods, Everglades, and Grand Canyon National Parks — and provide habitat for a magnificent array of plant and animal life.

The Biosphere Reserve Program, established in 1968 under an international scientific program, recognizes areas of the world that boast equally dramatic and diverse landscapes and species — Mongolia's Great Gobi National Park, Uganda's Rwenzori National Park, Greece's Mount Olympus National Park, and America's Glacier and Rocky Mountains National Parks.

**World Wildlife Fund**

1250 Twenty-Fourth St., NW Washington, DC 20037-1175 USA  
 Tel: (202) 293-4800 Telex: 64505 PANDA FAX: (202) 293-9304

*Incorporating The Conservation Foundation. Affiliated with World Wide Fund for Nature.*



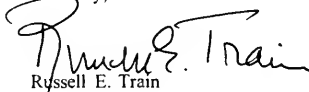


Page Two  
Letter to Chairman Don Young  
September 11, 1996

Nominations, protection strategies and management of areas recognized as world heritage sites and biosphere reserves are governed by national, state or local laws. Areas in the United States, including private lands, recognized under international agreements are subject only to domestic law. There is no international legal protection or sanction for these areas. Thus, I am opposed to requiring congressional authorization of a site prior to nomination or designation.

Please include this statement of opposition to H.R. 3752 in the hearing record.  
Thank you.

Sincerely,



Russell E. Train



## OFFICE OF THE MAYOR - CITY OF SAVANNAH

FLOYD ADAMS, JR., MAYOR

*September 24, 1996*

*The Honorable Don Young  
UNITED STATES HOUSE OF REPRESENTATIVES  
Washington, DC 20515*

*Dear Congressman Young:*

*This letter is in reference to H.R. 3752 which seeks to require congressional approval of any nomination by the United States to UNESCO's World Heritage List. The City of Savannah has received the statement submitted by U.S. ICOMOS at the hearing of the House Committee on Resources, September 12, 1996, as well as an article from the New York Times, International, September 10, 1996 and a letter from Russell E. Train, New York Times, September 13, 1996. These three documents attest that there is no loss of sovereignty to any country from participation in the World Heritage Convention, which seeks only to acknowledge cultural and natural resources which deserve world-wide respect.*

*The City of Savannah is opposed to H.R. 3752 since it is making every effort possible to be included in UNESCO's World Heritage List. As a result of a community-wide project sponsored by a citizens' organization, Vision 20/20, the Mayor of Savannah initiated the city's effort with the U.S. Department of the Interior in 1992. The Federal Interagency Panel of the Department of the Interior submitted Savannah's nomination to the World Heritage Convention in Paris in 1994. The nomination included Savannah's city plan as it grew from 1733-1856, the streets, squares and monuments, a "historic center" of 2.2 square miles - 55 acres of public property with monuments by Daniel Chester French, William Strickland and more. The area placed in nomination is a National Historic Landmark District. The nomination was not accepted because, unlike other countries, U.S. criteria allow only the inclusion of public property and require written consent by each owner of private property.*

P.O. BOX 1027 SAVANNAH, GEORGIA 31402  
TELEPHONE (912) 651-6443 FAX (912) 651-6805

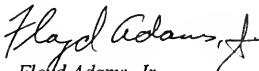
*Letter to Congressman Young  
Re: H.R. 3752*

*Page 2*

*The City of Savannah and its citizens envision no loss of sovereignty, but see this listing as a stimulus to local pride, economic development and increased public recognition of the outstanding quality of the old city of Savannah.*

*We believe that to be listed with Florence, Rome, Venice, Cracow, Prague, Budapest, Quebec, and more, as one of the World's culturally enriched cities would be a fine accomplishment, and are continuing our effort toward this end.*

*Sincerely,*

  
Floyd Adams, Jr.  
Mayor

*FA:pb*

*c: Ann Webster Smith, Chair, U.S. ICOMOS  
Richard Moe, President, National Trust for Historic Preservation*



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## The George Wright Society

Dedicated to the Protection, Preservation and Management  
of Cultural and Natural Parks and Reserves  
Through Research and Education

September 11, 1996

### Letter of Testimony of The George Wright Society Presented for the Record in Conjunction With Hearings on H.R. 3752, the "American Land Sovereignty Protection Act of 1996"

The George Wright Society (GWS) is a nonprofit, nonpartisan association of professionals working for better research, management, and public education in parks and other protected areas. The GWS is writing to express its strong support for the continued participation of the United States in the World Heritage Convention, the UNESCO Man and the Biosphere (MAB) Program, and other international conventions and programs that enhance the protection of parks, historic sites, and other protected areas administered by the federal government of the United States. The GWS believes that the terms of participation in these international programs are best decided by the protected area professionals in the appropriate federal agencies, and that the restrictions proposed in H.R. 3752 are not only needless but would in fact effectively cripple U.S. participation in these vital programs.

The fact of the matter is that neither the sovereignty of the United States, nor the autonomy of the Department of the Interior or any other branch of the federal government, has been compromised one iota by the secretariats of the World Heritage Convention or MAB. Despite wild rumors to the contrary, the designation of (for example) Great Smoky Mountains National Park as an International Biosphere Reserve cannot require the National Park Service to manage the park in any manner contrary to the Enabling Act which created the park nor any subsequent laws governing the park or the Park Service. Likewise, the designation of (for example) Yellowstone National Park as a World Heritage Site in Danger is a professional judgment by the world's leading experts on natural and cultural heritage as to the status of the park's integrity. Such evaluations should be welcomed, not reviled: they are invaluable tools to identify imminent threats to priceless cultural and natural attributes that have been acclaimed to be of worldwide significance and are irreplaceable assets of the people of the United States.

Does the designation of an American park as a Biosphere Reserve or a World Heritage Site have any effect on its management? Certainly—but the effect is salutary, not deleterious. It provides U.S. park authorities with an international context in which to place their day-to-day management activities. This is important because American protected areas cannot be successfully managed in isolation from events outside their boundaries.

Biosphere Reserve and World Heritage designations are a source of national pride around the world, and they should be here as well. The proposed legislation, H.R. 3752, would devastate U.S. participation in these international conservation programs. Over the long run, the effect would be to prevent the United States from protecting the cultural and natural attributes in our federal parks and reserves, thus contravening the very laws Congress has passed to establish these protected areas in perpetuity.

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